

COURT FILE:

A-131-25

**FEDERAL COURT OF APPEAL**

BETWEEN:

**DAVID JOSEPH MACKNINNON AND  
ARIS LAVRANOS**  
Appellant

and

**ATTORNEY GENERAL OF CANADA**  
Respondent

and

**TREVOR HOLSWORTH**  
Proposed Intervenor

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**MOTION RECORD OF THE PROPOSED INTERVENOR**  
(Motion for leave to intervene pursuant to Rules 109 and 369)

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April ~~21~~<sup>22</sup>, 2025

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**DEMOCRACY WATCH  
THE CANADIAN CONSTITUTIONAL LAW INITIATIVE OF THE  
UNIVERSITY OF OTTAWA PUBLIC LAW CENTRE AND  
THE BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION**

and

**TREVOR HOLSWORTH**

Proposed Intervenor

---

**NOTICE OF MOTION**

(Motion for leave to intervene pursuant to Rules 109 and 369)

---

**TAKE NOTICE THAT** Trevor Holsworth makes a motion to the Federal Court of Appeal under rules 109 and 369 of the Federal Court Rules to intervene in this appeal.



## **THE MOTION IS FOR:**

1. An order granting TREVOR HOLSWORTH leave to intervene for
  - a) the purpose of providing the attached evidence relevant to the inquiry before the Court, to establish the information before the Prime Minister prior to his decision to request that the Governor General prorogue Parliament and the legality of that conduct..
  - b) To file a Memorandum of Fact and Law
  - c) To receive all documents required to be served or filed by a party to this proceeding also be served on the Intervener.
  - d) To be exempt from any costs associated with this motion or the appeal.
  - e) Such further terms proposed that the Court deems just.

## **THE GROUNDS FOR THE MOTION ARE:**

### **The Intervener**

1. Trevor Holsworth is a citizen of Canada who is a participant and witness to evidence that is relevant to the inquiry before the Court. Like the Appellant's I have an interest in democracy, the separation of powers and the rule of law.
2. I was in communication with the Prime Minister's Office, the Minister of Justice, the Judiciary, Parliamentary Committees and Members of Parliament requesting a check on the constitutional imperative of fair and impartial trials to be performed by Parliament immediately prior to the Prime Minister proroguing Parliament which prevented that debate, prior to an Election which removes the ability of Parliament to check the power of the Executive which effects the democratic legitimacy of the Election.

## **Procedural History**

3. In early September Jagmeet Singh announced that he was tearing up the Supply and Confidence Agreement with the Liberal Party that had been keeping them in control of Government with a majority in the House of Commons.
4. On September 9, 2024 I wrote to all of the members of the House of Commons regarding my intention to serve them directly with the enforcement procedure of the Charter s 24(1) due to the failure of the Minister of Justice David Lametti to do his duty to protect Canadians right to a fair and impartial trial in the legal system. I provided evidence and argument for the consideration of the Members of Parliament to permit informal conversation and resolution prior to taking the more formal and constitutional request for accountability through the Enforcement Procedure of the Charter s 24(1).
5. On January 6, 2025 Trudeau requested and received permission from the Governor General to prorogue Parliament.
6. On January 8, 2025 the decision to prorogue was challenged in Federal Court with hearings conducted on Feb 13 and 14 largely centered on whether prorogation was subject to judicial scrutiny.
7. On March 6, 2025 The decision from Chief Justice Paul Crampton is released and says, “[1] At its core, this proceeding concerns the extent to which our constitutional framework a potential role for the courts to play when the Prime Minister advises the General to prorogue Parliament.” and concludes “[3] ...courts have a constitutional role, and it is important that it be to maintain public confidence in our institutions of government.” and “[8] ...I also find that the issue of whether the Prime Minister exceeded the constitutional or other legal limits of his

authority in making the Decision is justiciable.” concluding with, “[78] Having regard to all of the foregoing, I conclude that this Court has the jurisdiction to review the Decision, including for the purpose of determining (a) the justiciability of the issue of whether the Prime Minister exceeded his authority in making the Decision; and if that issue is justiciable, (b) whether the Prime Minister did in fact exceed the his authority, as alleged by the Applicants.”

8. The Court acknowledges that all the leaders of the major parties had indicated that they would vote non-confidence in the Prime Minister at the earliest opportunity.

“[32] Specifically, on October 29, 2024, Mr. Yves-François Blanchet, leader of the Bloc Québécois (“**BQ**”), announced that his party would vote non-confidence in the government. On December 9, 2024, Mr. Pierre Poilievre, leader of the Conservative Party of Canada (“**CPC**”), sponsored a motion in the House stating that “the House proclaims it has lost confidence in the Prime Minister and the government.” Despite the support of all members of the BQ and CPC, the motion was defeated 180 votes to 152. On December 20, 2024, Mr. Jagmeet Singh, leader of the New Democratic Party (“**NDP**”), announced in an open letter to Canadians that his party would “put forward a clear motion of non-confidence in the next sitting of the House of Commons.” Later that day, Mr. Poilievre wrote a letter to the Governor General stating that the “Prime Minister has lost the confidence of the House of Commons and cannot continue to govern unless he regains it or wins a new election.” In support of this statement, Mr. Poilievre noted that “all three recognized opposition parties, whose combined MPs constitute a clear majority of the House of Commons, have now stated unequivocally that they have lost confidence in the Prime Minister.” Therefore, he requested the Governor General to:

“... inform the Prime Minister that he must either dissolve Parliament and call an election or



reconvene Parliament on the earliest day that is not a statutory holiday before the end of the calendar year to prove to you and to Canadians that he has the confidence of the House to continue as Prime Minister.”

9. The Court proposed a test for the legality of prorogation, [253] For convenience, I will reproduce that test below:

a) Does prorogation frustrate or prevent Parliament’s ability to perform its legislative functions and its supervision of the Executive[/Judiciary]?

b) If so, does the Prime Minister’s explanation for advising that Parliament should be prorogued provide a “reasonable justification”?

c) In any event, are “the consequences [of prorogation] ...sufficiently serious to call for the court’s intervention”?

10. The Court concludes that “[90] The specific issue with which the Court is seized in this proceeding is whether the current Prime Minister exceeded his authority in advising the Governor General to prorogue Parliament.” and “[112] In summary, for the reasons set forth above, the issue of whether the Prime Minister exceeded the constitutional or other legal limits of his authority in making the Decision is justiciable. This includes whether the Prime Minister exceeded any written provisions of the Constitution, any of the unwritten constitutional principles identified by the Applicants, or any other legal limits, such as any “lines or objects” that may be contemplated by the prerogative to prorogue: *Roncarelli* at 140. It also includes whether the Prime Minister had an obligation to (i) provide a “reasonable justification” for the Decision, as suggested by the Applicants, or (ii) failed to take account of the “relevant interests”

11. “[260] In the present proceeding, the Applicants have not identified any specific adverse

effects of the Prime Minister's Decision on Parliament's ability to fulfill its constitutional functions, let alone the effects of the magnitude that were identified in *Miller II*."

12. But "[261] In the absence of any other identified criteria for distinguishing between lawful and unlawful advice given to the Governor General to prorogue Parliament, the Applicants have failed to demonstrate that the Decision under review falls into the unlawful category."

13. The court concluded that "[298] The Applicants failed to demonstrate that the Prime Minister exceeded any limits established by the written Constitution"

14. I seek to provide the Court with the evidence that the Prime Minister exceeded the limits established by the written constitution and that the Governor General knew about the constitutional deficiencies and failed to take them into consideration in her acceptance of the Prime Minister's request for prorogation.

### **The Intervener's Interest and Unique Perspective**

15. As a member of the Public the proposed Intervener shares equally with all Canadians the public right to access a fair and impartial court complying with fundamental justice in accordance with the Charter.

16. As a member of the Public the Intervener shares equally with all Canadians that the duties required of the Prime Minister in the Westminster Parliamentary system be properly enforced by the Courts to restore trust in our democratic institutions so that Canadians may have peace, order and good government.

17. On January 8, 2025 A legal challenge to the prorogation is submitted with the primary

question of whether the Prime Minister's discretion in requesting prorogation or the Governor General's consent is subject to judicial oversight. I decided to wait until that question is resolved prior to submitting my evidence as I did not want my evidence to influence that decision.

18. The Federal Court concluded that there were no “exceptional circumstances” or concerns with the legality of the Prime Minister's conduct in prorogation but the evidence in my application as Intervenor suggests that the prorogation was done to obstruct justice and prevent Parliament from debating on the legality of the government conduct preventing debate on the constitutionality of the Federal Judiciary and the Prime Minister's ultimate responsibility as first minister to comply with his duty to protect the public from constitutional breaches by the Judiciary, which are clearly exceptional circumstances.

19. It must be noted that the Federal AG Office is in a conflict of interest and a Charter breach as they have not responded to the properly served Enforcement Procedure of the Charter s 24(1) requesting accountability for the conduct of the Federal Judiciary be presented to Parliament or provide argument in defense. Furthermore there was no response provided to the Constitutional Question asked on the failure of the AG to respond. But in their application to reject my application to intervene regarding the Emergencies Act the AG labeled my allegations as “spurious” or false but provide no evidence to support their claim and in the light of significant obstruction of justice and constitutional violations of their own which they also do not defend, at all. A reasonable and well informed person would conclude there is a reasonable apprehension of bias that they will continue that obstruction of justice in this hearing.

31. It must be noted that the Canadian Judicial Council when requested to present to Parliament, the matter of their claiming that Federal Judges could legitimately ignore the transcript and



prefer the recollection of the Plaintiff in the resolution of a complaint about fraud on the court committed by a lawyer and labeled my request an abuse of process instead of complying with their own rules. The Supreme Court of BC when a writ of mandamus on the Minister of Justice was requested called my request for accountability of the Judiciary to Parliament “irrelevant” and provided no further justification and the BC Court of Appeal with zero evidence to support their opinion, dismissed the request for accountability as a “conspiracy” and dismissed my experience in the legal system, “this does not reflect reality”. A reasonable and well informed person would conclude that the Judiciary is unable or unwilling to protect the public over their own interests in having no public oversight of their conduct.

20. The legality and constitutionality of the conduct of the Executive and the Judiciary has been under unprecedented scrutiny and the response has been to refuse to answer questions, shut down debate and deny all evidence. Parliament is the legitimate court of competent jurisdiction to examine both the conduct of the Executive and the Judiciary to protect the Public Interest. The Attorney General's Office was used to prosecute dissent with the full knowledge that they were not in compliance with the Charter. The prorogation was a further attempt to prevent legitimate debate and is in my opinion, an obstruction of justice and a betrayal of the public trust.

#### **The Intent of the submissions by the Intervener**

21. To provide the Court and the Public Record with the evidence presented to Parliament Committees and to Members of Parliament that is relevant to the circumstances and legality of the decision to prorogue Parliament by the former Prime Minister Justin Trudeau.

22. To make an allegation of obstruction of justice and breach of the public trust by the

Prime Minister Justin Trudeau in preventing the constitutionality of the Judiciary to be legitimately checked by Parliament by improperly and illegally proroguing Parliament in order to prevent the proper debate as appropriate in a free and democratic State.

23. The granting of leave to intervene will acknowledge the public interest in having Parliament perform its constitutional role under the doctrine of separation of powers to check the conduct of the Executive and Judiciary.

24. The granting of leave to intervene will begin the process of rebuilding trust in the Judiciary with their acknowledgment of the importance of the protection of the public interest.. The Judiciary properly checking the conduct of the Executive even though the Executive are conducting themselves to protect the legitimate examination of the conduct of the Judiciary will also restore trust in the impartiality of the Judiciary to apply the rule of law.

25. It is in the interests of Justice for the Court to have all of the evidence relevant to their inquiry before them and will not duplicate the submissions of other parties, nor delay the application before the Court.

26. The evidence presented is relevant to the pursuit of justice, democratic legitimacy, separation of powers, the rule of law and in the public interest. There is zero public interest in permitting fraud and corruption by system insiders in our legal system and it cannot be justified in a free and democratic State.

#### **In Support of permission to grant standing as Intervener**

27. “[118] The test for public interest standing is threefold: (1) whether there is a serious justiciable issue raised; (2) whether the applicant has a real stake or a genuine interest in it; and



(3) whether, in all the circumstances, the proposed suit is a reasonable and effective way to bring the issue before the courts: *Canada (Attorney General) v Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45 [*Downtown Eastside*] at para 37.

28. The court has determined that the legality of the decision of the Prime Minister is a justiciable issue.

29. My extensive communications with the Court, Parliament, the Minister of Justice and Prime Minister's Office demonstrate a “*real stake or a genuine interest*”

30. The purpose of the Court is to determine the truth and balance the rights of the citizen against the State and the proposed suit is a reasonable and effective way to bring the issue before the Courts as there is no other way to prevent a Prime Minister preventing the examination of judicial discretion by Parliament and preventing a vote of non-confidence for failing to protect the public interest in a justice system if the Prime Minister can prorogue Parliament to prevent legitimate debate.

31. The conduct of the Intervener is aligned with that of the Chief Justice Paul Crampton “[119] *In exercising its discretion to grant standing, the Court must apply this test flexibly, generously, purposively, and cumulatively.*” and “[120] *The Court must also be mindful of the principle of legality, which “refers to two ideas: that state action should conform to the Constitution and statutory authority and that there must be practical and effective ways to challenge the legality of state action”*: *Downtown Eastside* at para 31“

32. I do equally have a similar interest; “[124] *...the Applicant David MacKinnon states that he has a longstanding, deep and abiding interest in democracy, the rule of law, and unwritten constitutional principles*”

33. And I equally believe the prorogation blocks Parliamentary accountability and the rule of law,”[126] ...*I will note for the record that he is also a lawyer who maintains that he has always been passionate about democracy and the rule of law. He is concerned that the prorogation that is at the heart of this proceeding...blocks Parliamentary accountability ... and at this time very much undermines democracy and the rule of law.*”

34. I believe that the evidence that I present establishes my capacity sufficiently, “[128] ...*consideration should be given to the Applicants’ capacity to bring forward the issues in dispute, including their resources and whether those issues will be presented in a sufficiently concrete and well developed manner*”

35. I believe that I have established my own interests and the interests of the public for fair and impartial trials to satisfy this test, “[129] *It is also relevant to “consider whether the case is in the public interest in the sense that it transcends the interests of those most directly affected by the challenged law or action,” as well as the “potential impact of the proceedings on the rights of” those other persons: Downtown Eastside at para 51.*”

36. The issue of Parliament debating the constitutionality of the conduct of the judiciary is one that transcends the interests of those most directly affected [myself] as well as the “*potential impact of the proceedings on the rights’ of those other persons. [130] ...third factor is “closely linked to the principle of legality, since courts should consider whether granting standing is desirable from the point of view of ensuring lawful action by government actors*”:

37. And my submission and evidence does assist the Court, “[134] *Indeed, it would appear that if the Applicants are not granted public interest standing, the lawfulness of the Prime Minister’s Decision to advise the Governor General to prorogue Parliament will, as a practical*

*matter, be immunized from review. This is at least a “real possibility”:* *Democracy Watch v Canada (Attorney General)*, 2022 FCA 208 [***Democracy Watch 2022 FCA***] at para 9.

38. In further evidence to support my application as Intervener, On March 26, 2024 I submitted my evidence before the Federal Court of Appeal hearing the Emergencies Act. My evidence included the unanswered Enforcement Procedure of the Charter served upon the Federal AG Office, The constitutional question on the failure of the AG to respond to the request to have Parliament check the powers of the Judiciary, the application before the BC Supreme Court for a writ of mandamus on David Lametti and the decision postponed until Feb 14, 2022 when the MOJ enforced the Emergencies Act knowing that his personal integrity and the integrity of the legal system were being questioned, the Minister of Justice David Lametti making false and misleading statements as to his duties in order to avoid doing them and communications on those issues were reported to the Parliamentary Ethics Commissioner, the RCMP National Division and the Prime Minister's Office. The Federal Court of Appeal declined to accept my application as Intervener despite the implications of the evidence. It would be wrong to do so again.

### **The Intent of the submissions by the Intervenor**

39. To place before the Court and the Public the context and evidence in my possession that contributes to the truth seeking function of the court to establish the legality of the reasons for why the Prime Minister requested the Governor General to prorogue Parliament, which will assist the Court in their constitutional duties.

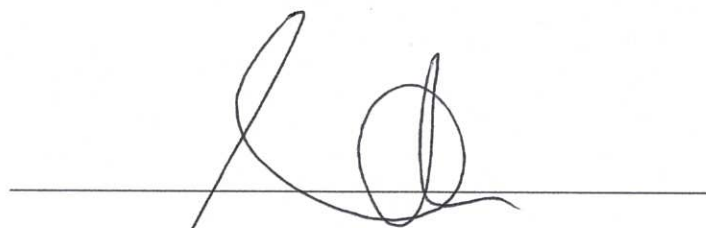
40. Demonstrate to the Court and to the Public that the request for Prorogation was for an unlawful purpose that was known to the Prime Minister and to the Governor General.
41. To make the allegation of obstruction of justice and betrayal of the public trust by the Prime Minister Justin Trudeau for requesting Parliament be prorogued to prevent a vote of non-confidence in his administration and to prevent an impending constitutional debate on the conduct of federal judges in Parliament.
42. To assert that the Prime Minister knew or ought to have known that his personal accountability was being requested in the House of Commons for his involvement in the failure of the Minister of Justice to respond to the Enforcement Procedure of the Charter and the subsequent decision to enforce the Emergencies Act upon Canadians and the refusal to provide the legal reasons justifying that conduct which the Federal Court has declared to have been unreasonable, illegal and unconstitutional.
43. To assert that the Prime Minister knew or ought to have known that the institutional integrity of the Canadian legal system was being questioned and a request for that legitimacy to be tested in Parliament and that he had a duty to protect Canadians from constitutional breaches by the Judiciary in accordance with the separation of powers.



**THE FOLLOWING DOCUMENTARY EVIDENCE** is relied on in support of this motion:

- 44. Affidavit of Trevor Holsworth, affirmed April 22, 2025
- 45. Letter to Members of Parliament dated September 9, 2024 ( Exhibit "A") submitted with the Evidence for Parliament ( Exhibit "B" )

DATED this 22<sup>nd</sup> day of April, 2025

A handwritten signature in black ink, consisting of a large, stylized 'T' followed by a circular flourish, is written over a horizontal line.

Trevor Holsworth

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426 8<sup>th</sup> Ave  
New Denver BC V0G 1S0  
Phone: 250-551-6940  
Email: FundamentalJustice@gmail.com

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and

**TREVOR HOLSWORTH**

Proposed Intervenor

**AFFIDAVIT OF TREVOR HOLSWORTH**


## AFFIDAVIT OF TREVOR HOLSWORTH

I, TREVOR HOLSWORTH, of the Village of New Denver, British Columbia,

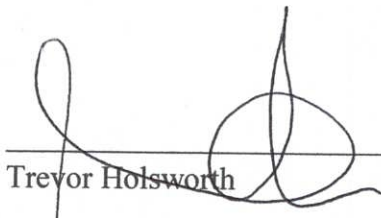
AFFIRM THAT:

1. I have personal knowledge of the matters hereinafter deposed in this affidavit, except where stated to be based on information and belief, in which case I believe them to be true.
2. The dates and contents of the communications contained in Exhibit "A" and "B" are taken directly from the original emails, the originals are saved for verification if required.
3. My motivation and participation is based solely on my desire to access justice, restore the democratic principles enshrined in Canada's Constitution, enforce Ministerial and political responsibility, advocate for legal and political reform to better serve the people of Canada, and create a more trustworthy society for my children.
4. Further evidence, argument and transcripts available to public at [www.fundamentaljustice.com](http://www.fundamentaljustice.com),
5. I affirm this affidavit in support of my motion for leave to intervene..

Sworn by Trevor Holsworth )  
of the Village of New Denver, )  
British Columbia )  
this 22<sup>nd</sup> day of April 2025 )

  
\_\_\_\_\_  
Commissioner for taking affidavits

Belinda Field Notary Public  
West Koots Notary  
3 - 1995 6th Ave.  
Castlegar, BC V1N 4B7  
778-364-0862

  
\_\_\_\_\_  
Trevor Holsworth



This is Exhibit "A" referred to in  
the Affidavit of Trevor Holsworth  
sworn before me on April 22, 2025

A handwritten signature in black ink, appearing to read "Belinda Field", written over a horizontal line.

**A commissioner for taking affidavits**

Belinda Field Notary Public  
West Koots Notary  
3 - 1995 6th Ave.  
Castlegar, BC V1N 4B7  
778-364-0862



## Parliament to check the power of the Executive and Judiciary

trevor holsworth <fundamentaljustice@gmail.com>  
To: richard.cannings@parl.gc.ca

Mon, Sep 9, 2024 at 9:03 PM

Member of Parliament  
September 9, 2024

Dear Richard Cannings,

I live in Canada in British Columbia, V0G 1S0

The judiciary is claiming they have absolute discretion and their discretion is not to be questioned and nobody has authority over them. The Executive is supporting that unconstitutional role of the Judiciary because they are similarly implicated.

Now that the NDP-Liberal Supply & Confidence Agreement has purportedly been torn up it becomes reasonable to have this conversation in Parliament. I have suggested that it would be necessary to serve Parliament with the enforcement procedure of the Charter to properly check the Judiciary as there appears to be a break down in the formal procedures to accomplish that through the Office of the Minister of Justice but I chose to begin with this Information.

On August 28, 2024 I wrote to all of the British Columbia Members of the Legislative Assembly describing a failure in the rule of law and serious problems in the administration of justice. I attach that letter and many more in the attached PDF: "Evidence for Parliament", so as not to repeat myself.

I have also been in contact with Parliament on numerous occasions over the last few years attempting to connect with an authority that would listen. I received almost no responses to anything but I am confident that most of the Parliamentarians have been informed through one process or another. I have been attempting to access Parliament to resolve a matter of National Security for Canada, the integrity of its political/legal system. Denial has been the ongoing solution but its causing more problems than it is solving.

The Minister of Justice imposed martial law, enforcing the Emergencies Act upon Canadians, removing the democratic oversight of Parliament from the conduct of the Executive. David Lametti did that knowing that the Ministry of Justice was refusing to respond to a call for accountability through the Enforcement Procedure of the Charter, to bring the matter of Judges through the Canadian Judicial Council claiming absolute and unreviewable power to the attention of Parliament, as the only court of competent jurisdiction to check the Judiciary for Charter compliance.

Furthermore Lametti made false and misleading statements regarding his duties in order to protect his friends, other lawyers and judges instead of doing his duty to protect the public. Accountability was being requested in the Court system of British Columbia through a request for a Writ of Mandamus, a court order for a Minister to do his duty. The claim by the Minister of Justice at the Public Order Emergency Commission that he was conducting himself in "good faith" is disputed by the evidence in my brief to the Federal Court of Appeal but could be conclusively resolved if Parliament were provided the legal opinion that must justify their conduct.

It is of grave importance for Parliament to assert its authority to check the conduct of the Executive in this matter. It's a matter of a guarantee. The Executive is improperly protecting the Judiciary.

*1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*

The judiciary cannot justify that in a free and democratic society that they should have the discretion to ignore the transcript to protect a lawyer committing fraud on a court order.

*7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.*

Nobody in Canada is free and secure whilst the Judiciary claim such arbitrary power. The unsupported opinion of the Judiciary cannot over rule the best evidence that any Canadian could provide, to prove a fraud on the court.

The Judges Act enacted by Parliament in June of 2023 has a declared statutory purpose,

#### Objects of Council

60 (1) *The objects of the Council are to promote efficiency and uniformity, and to improve the quality of judicial service, in superior courts.*

The Canadian Judicial Council issued this response to my complaint,

*"You complain that Justice Shaw accepted the evidence of your former spouse and her lawyer instead of accepting the transcript. You also complain Justice Shaw allowed a lawyer to not comply with a court order.*

*The admissibility and weighing of evidence is a matter that falls within the ambit of judicial discretion. Chief Justice Pidgeon is of the view that Justice Shaw exercised his judicial discretion when he preferred certain evidence over others. The exercise of judicial discretion is not a matter of conduct. The failure by a party to abide by the order is not either a matter of judicial conduct."*

As I pointed out in the BC Supreme Court on Dec 3, 2021 in my application for a Writ of Mandamus on the Minister of Justice,

*"A Judge that cannot determine the priority of evidence when presented with the transcript cannot be trusted with our rights, our finances, our lives, and our children. The Charter of Rights is an empty promise, our right to Appeal is arbitrary, and the foundation of democracy is destroyed."*

Obviously a legal system is very efficient when it ignores all evidence of misconduct by system insiders. That this ruling establishes the uniformity across Canada that Judges may ignore the transcript to protect fraud is disturbing and unconstitutional and does nothing to improve the quality of judicial service except for hiding and protecting the Judiciary in their misconduct and abusing Canadians as a result.

Unfortunately Parliament itself is implicated with responsibility in this matter for allowing a judge that Parliamentarians of all political parties united in their disapproval wanted dismissal but everyone fell into line on Feb 2, 1999 when the Liberal Minister of Justice Anne McLellan pleaded for Parliament to allow the legal system to self-regulate.

It is another decision time to decide which way Canada will fall, to allow the judiciary complete free reign to declare war on Canadians, as Myron Thompson MP of the Reform Party stated on February 2, 1999 after Parliament permitted Judge Shaw to remain on the bench,

*"I rise on a point of order. Based on an earlier decision of a vote in the house, may I recommend we close this place and let the lawyers and judges run this country."*

That is tempered by the more recent comment by Member of Parliament, Rheel Fortin, Bloc Quebecois on June 16, 2022 in the House of Commons during debate on Bill C-9,

*"We must never forget that the judicial system belongs to the people and must be accountable to the people. We are merely the ones responsible for ensuring the system is effective."*

I would recommend listening very carefully to the independent researchers in the academic field of judicial conduct, such as Richard Devlin who appeared before the House and the Senate debating the Judges Act and provided professional advice, which was ignored and the judicial opinion of what should be in the Act preferred over more impartial opinions. The Minister of Justice David Lametti was quite explicit before the Committee on November 17, 2022,

*"It's not only our department but also the judges themselves who worked very hard on this bill"*

Canadians are watching Parliament very carefully for compliance with the Constitutional imperative to create Peace, Order and Good Government. The alternative is using force to create order which is bad government because it is not in the public interest and creates zero trust that our government has the consent of the governed and *"that government of the people, by the people, for the people, shall not perish from the earth"*.

Or to put it in Canadian Constitutional terms,

*"1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."*

There has been no justification provided for the conduct of the Judiciary or the Executive besides claiming that their discretion is unlimited and a refusal for that discretion to be examined.

Parliament normally allows the Judiciary to decide these terms when there is not a conflict of interest but in this case when it is the Judiciary and Executive that are alleged to be not in compliance with the Constitution we know that nobody can be a judge in their own cause and Parliament must resolve the conflict in the public interest.



The lawyers at the Attorney General's Office in British Columbia are now openly declaring that the Executive and the Legislature has no role to play in the judging of judicial conduct.

The Constitution provides Parliament the power

*99 (1) Subject to subsection (2) of this section, the judges of the superior courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.*

Parliament expands on the elements required for removal in the Judges Act,

*Removal from Office*

*Justification*

*80 For the purposes of this Division, the removal from office of a judge is justified only if, for any of the following reasons, the judge's continuation in office would undermine public confidence in the impartiality, integrity or independence of the judge or of their office to such an extent that it would render the judge incapable of executing the functions of judicial office:*

- (a) infirmity;*
- (b) misconduct;*
- (c) failure in the due execution of judicial office;*
- (d) the judge is in a position that a reasonable, fair-minded and informed observer would consider to be incompatible with the due execution of judicial office.*

The test created by the Judges to judge judicial misconduct was created during the Marshall Inquiry,

*"Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office?"*

and that,

*"Judicial independence exists for the benefit of the judged, not the judges. It is therefore to be assessed from the perspective of the reasonable observer and in light of the public interests it is meant to serve."*

and more recently affirmed by the Judiciary,

*"judicial independence does not require that the conduct of judges be immune from scrutiny by the legislative and executive branches of government. On the contrary, an appropriate regime for the review of judicial conduct is essential to maintain public confidence in the judiciary."*

*Cosgrove v Canadian Judicial Council, 2007 FCA 103, [2007] 4 F.C.R. 714 at para 32*

The matter was succinctly summarized in the Chief Justice's Annual Report to Canadians,

*"justice is not just a service...people need justice. When they recognize that they will not have access to justice, that will jeopardize our democracy and the rule of law. We should not underestimate this possibility. That is why we have to facilitate access to justice."*

Chief Justice Richard Wagner, June 3, 2024

Chief Justice Wagner stated on June 13, 2023 that in respect to the judicial discipline process it was *"not possible for the public to have trust...and scandalous...and must be changed"* but the amendments to the Judges Act made in 2023 do nothing to restore trust, and in conjunction with the evidence before Parliament is a betrayal of the public trust, in itself.

Canada does not have an appropriate regime for the review of judicial conduct. We have an access to justice crisis because the administration is not in compliance with the law and the public is not being protected. Parliament is the last bastion for the protection of the public interest and has the legitimate purpose and authority to check the judiciary for breaches of the Constitution and the Judges Act, their governing documents. The judging of judicial conduct is a matter of national security and should be done fairly and impartially to all parties so that it is constitutional.

The Minister of Justice has a critical role in the judicial conduct process,

*"[64] ... the Council has no power to remove a judge from office... If the question of removal is to be put before Parliament, it is the Minister who does so ... Like all acts of an Attorney General, the Minister's discretion in that regard is constrained by the constitutional obligation to act in good faith, objectively, independently and with a view to safeguarding the public interest."*

*Cosgrove v. Canadian Judicial Council*

But the Minister of Justice is saying one thing and doing another and clearly not in the public interest,

*"We can be confident that this bill strikes the right balance. Canadians can trust that their judges are making independent and impartial decisions and, at the same time, they can rest assured that the judges' conduct remains subject to review. Ultimately, this will improve trust in the administration of justice, both with respect to individual judges and on a broader scale..."*

*It is essential to remember that our system of law exists to serve the public. It operates because we have confidence in its legitimacy, trusting in the capacity of its members and mechanisms to administer justice. This is no accident, but rather the result of sustained and concerted efforts over time. Here in Canada we are fortunate to have a strong foundation upon which to build. This requires ongoing attention, however, by ensuring measures are undertaken to safeguard public trust"*  
David Lametti Dec 9, 2022 House Of Commons

And the current Minister of Justice, Arif Virani is refusing to provide the legal justification provided to Prime Minister Justin Trudeau for enforcing the Emergencies Act. Senator Carignan has called him to account and compared Canada's conduct in this matter with North Korea. The Minister of Justice could waive solicitor-client privilege but chooses to hide from Canadians a decision which is either legitimate and legal or unlawful and unconstitutional.  
(February 27, 2024 Parliamentary Committee on the Declaration of Emergency.)

Combined with the evidence in my brief to the Federal Court of Appeal the Public is left with the conclusion that enforcing the Emergencies Act on Canadians was a decision that was not made in good faith, it was unlawful and cannot be justified.

The Supreme Court of Canada is refusing to hear appeals regarding the enforcement of the Emergencies Act declaring the issue, moot which is clearly not the case. However due to conflicts of interests within that institution and the Judiciary generally Canadians cannot trust the institution because they preemptively sided with the Executive from the start.

The Federal Court of Appeal rejected my participation as an Intervener because of the allegations of lawyer and judicial misconduct but clearly they are central to the issue under debate so how can the Public have trust that the issues will be fairly and impartially resolved if we are being completely ignored and punished for speaking out against corrupt practices.

Ultimately, Parliament too, has a conflict of interest due to the decision in 1999 not to remove a judge, but there is now a chance to correct the mistake. To err is human. But principles are what contain a society.

I remind Parliament that the Public Prosecution Service of Canada withdrew their prosecution of me of s 238(1) of the Income Tax Act, the requirement to file, in the "public interest."

A restoration of the public trust is required, delay and obfuscation is not helping Canada. Transparency and accountability is required. I have provided some recommendations to consider.

*"In a democracy, there is no such thing as absolute unfettered discretion. It is a contradiction in terms. Fraud and corruption are always exceptions to the rule."*  
Constitutional Law by Peter Hogg.

The consequences are very clear,

*"In the final analysis who is on the hook if a judge screws up? It is the Prime Minister and the Justice Minister"*  
Liberal MP, Shaughnessy Cohen quoted by Reform MP, Mr. Paul Forseth Feb 2, 1999

Canadians would welcome the appropriate democratic debate on this matter of National Importance. In fact it would be a constitutional imperative.

Yours sincerely,

Trevor Holsworth

P.S.

*"When a single branch creates the statues, administers them, and adjudicates disputes arising from them, arbitrary government results, freedom suffers, and real democracy does not exist."*  
The Judge in a Democracy by Chief Justice of the High Court of Israel Aharon Barak

*"All authorities agree that the right of petitioning parliament for redress of grievances is acknowledged as a fundamental principle of the constitution. It has been uninterruptedly exercised from very early times and has had a profound effect in determining the main forms of parliamentary procedure."*

Speaker Gaspar Fauteux (Debates, June 18, 1947, pp. 4278–9)

Canadian Charter of Rights and Freedoms

24 (1) *Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.*



## **Evidence for Parliament**

### **Media**

1 Letter to the Editor Valley Voice July 1, 2021  
The website: FundamentalJustice.com

### **Communication with Canadian Judicial Council (CJC)**

2 CJC Letter dismissing complaint re: Justice Shaw August 28, 2007  
4 Email to CJC complaint re: a member of the Council July 9, 2023  
5 Registered Letter to CJC Counsel, Marc Giroux, March 7, 2024

### **Communication with Parliamentary Committees**

Brief re the Status of Women (on last page of this pdf)  
6 Letter in support of Brief September 20, 2022  
8 Brief re Bill C-9 Judges Act in the Justice and Human Rights Committee Sep 20, 2022  
9 Email to Parliamentary Committee on Public Safety and National Security November 18, 2022  
10 Email to Procedures and House Affairs PROC, March 6, 2023  
13 Brief to support the deliberations of the Parliamentary Committee on Justice and Human Rights on Bill C-40 Miscarriages of Justice

### **Communication with Members of Parliament**

17 Ms Atwin regarding Parliamentary Petition for judicial accountability April 19, 2021  
18 Email to Mr. Poillevre Leader of the Conservative Party of Canada, October 22, 2022  
19 Email to Mr. Singh Leader of the New Democratic Party, December 29, 2022  
20 Email to my Member of Parliament, Richard Cannings NDP requesting Parliament be petitioned June 21, 2023  
21 Email to Shadow Minister of Justice, Rob Moore October 23, 2022  
22 Email to Shadow Minister of Democratic Reform Michael Cooper July 13, 2023  
23 Email to the Speaker of the House, Anthony Rota Feb 21, 2023  
26 Response of the Speaker of the House March 9, 2023

### **Senate**

27 Submission to the Senate Committee on Legal and Constitutional Affairs regarding Judges Act Dec 12, 2022  
29 Proposal for Judicial Reform submitted to the Senate Committee on Legal and Constitutional Affairs

### **Governor General**

34 Email to Governor General regarding minority government October 26, 2021  
36 Follow up email to Governor General regarding minority government March 7, 2022

### **Communication with the Prime Minister's Office**

37 November 16, 2020  
39 March 4, 2022  
44 August 22, 2022  
45 July 28, 2022  
46 February 5, 2023

### **Public Submissions to Public Order Emergency Commission**

47 October 22, 2022

### **Communication with the MOJ Arif Virani**

49 Email to Minister of Justice Arif Virani Aug 17, 2023

### **Communication in British Columbia Provincial Jurisdiction**

55 Registered Letter of February 26, 2024 to AG Niki Sharma  
53 Registered Letter of June 14, 2024 to AG Niki Sharma  
55 Registered Letter of November 30, 2022 to Premier David Eby

## **Court Applications**

58 Supreme Court of Canada Habeas Corpus November 9, 2023

## **Communications with Federal Public Service**

60 Letter to the Canada Revenue Agency

## **Late Addition**

63 Communication with the Members of Legislative Assembly of BC

## **Additional separate PDF's**

Review of the Responsibilities and Accountability of Ministers and Senior Officials - Meeting the Expectations of Canadians, Treasury Board Report to Parliament, 2005

## **Court Applications**

### **Federal Court of Appeal**

Brief in support of application for Intervener in A-74-24 to Review the circumstances of the enforcement of the Emergencies Act

Includes:

- "A" Constitutional Question on MOJ not responding to Enforcement Procedure s 24(1) of the Charter and Income Tax Act s 238(1) Requirement to File
- "B" Emails with PMO
- "C" Email from MOJ David Lametti
- "D" My Email response to MOJ David Lametti
- "E" Communications with RCMP National Division
- "F" Valley Voice July 1, 2021
- "G" Communications with Parliamentary Ethics Commissioner
- "H" Excerpts of transcript from Application for a Writ of Mandamus on David Lametti

Application for leave to intervene by the Court, denied

## **3 attachments**

- **Ministerial Responsibility in Parliament by Government.pdf**  
820K
- **Binder-A-75-24-Complete.pdf**  
3603K
- **EvidenceForParliament.pdf**  
4105K



This is Exhibit "B" referred to in  
the Affidavit of Trevor Holsworth  
sworn before me on April 2, 2025

A handwritten signature in black ink, appearing to read "B Field", written over a horizontal line.

**A commissioner for taking affidavits**

Belinda Field Notary Public  
West Koots Notary  
3 - 1995 6th Ave.  
Castlegar, BC V1N 4B7  
778-364-0862



# Improve the accountability of judges in Canada

## Judicial Abuse of Power

In the May 6<sup>th</sup>, 2021 edition of the *Valley Voice* I wrote a letter to the editor regarding a petition to Parliament to improve accountability of judges. This petition might disappear and never be presented to Parliament as the sponsor of the petition recently crossed the floor and joined the Liberal Party.

My involvement began when I witnessed criminal acts by lawyers and judges. A lawyer created a fraudulent court order. I requested that he correct his error but he refused. I presented the matter with the transcript at Trial to prove the fraud.

**The judge called the Plaintiff to the stand, requested perjury to protect the lawyer's fraud, and preferred that testimony, over the transcript.**

The Canadian Judicial Council (CJC) was established in 1971 following the Landreville inquiry where criminal activity by a Judge was alleged. The CJC's role was to improve the system of justice and ensure that improper conduct met with proper discipline. In my complaint to the CJC the Chief Justice of the Quebec Supreme Court found nothing wrong with the conduct of the Judge, and dismissed the matter. I requested that the decision be reviewed by Parliament and they refused.

The CJC claims that their word is above the law. We have the Rule of Law and the Charter of Rights to prevent this abuse of power historically claimed by dictators. Their decision contradicts the rules that the CJC determined for their own conduct.

**"Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office?"**

and

**"Judicial independence exists for the benefit of the judged, not the judges. It is therefore to be assessed from the perspective of the reasonable observer and in light of the public interests it is meant to serve."**

A Judge that cannot determine the priority of evidence when presented with the transcript cannot be trusted with our rights, our finances, our lives, and our children. The Charter of Rights



Page sponsor Trevor Holsworth believes that we need mechanisms to hold judges accountable to the rule of law and the Canadian Charter of Rights and Freedoms.

is an empty promise, our right to Appeal is arbitrary, and the foundation of Democracy is destroyed.

I made the appropriate complaints to the BC Law Society about the conduct of the lawyers involved in the case. In addition to fraud a lawyer refused to comply with a court order to provide monthly trust account statements, admitted the crime in writing, and requested mercy. The complaint was dismissed, but written reasons for their decision were refused, contravening their governing statute.

**I made a Charter of Rights claim in March 2020**

Section 24(1) of the Charter reads: "Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances."

Since Parliament offers the only method for removal of a judge I wrote

**"The only Court of competent jurisdiction to judge the judges who judge the judges is Parliament. I have currently lost most of my legal rights except obviously my right to life but I am in fear of losing that. I am hereby applying to Parliament for the protection of my charter of rights. Obviously urgency is of prime importance."**

In November 2020 I wrote to

the office of the Prime Minister Justin Trudeau and received a reply from the Minister of Justice in February 2021 where he regretted the delay in his response, claimed he was bound by the decision of the CJC, told me he is not able to provide legal advice to the public, and to get legal advice from a lawyer. But on the Ministry of Justice website they state:

"The Minister is not bound by the CJC's recommendation; the option to seek a judge's removal by Parliament exists whether or not the CJC recommends that the judge be removed....If the question of removal is to be put before Parliament, it is the Minister who does so. It is open to the Minister to put the question to Parliament or to decline to do so. Like all acts of an Attorney General, the Minister's discretion in that regard is constrained by the constitutional obligation to act in good faith, objectively, independently and with a view to safeguarding the public interest."

I attempted to get legal advice on the matter from lawyers but received few replies. The alternate to silence was "we are not taking on new clients at this time", "it is not my area of expertise", and "Given the information in your email I am not able to assist you now or in the future."

The Canada Revenue Service through the RCMP served me with a notification alleging that I had not complied with the Income Tax Act and threatened imprisonment unless I attended court. I informed the court of the problem presented by the CJC's letter as it affected my security of the person and pled Not Guilty.

I reported the conduct of the

Minister of Justice to the RCMP anti-corruption squad in early 2020 failing in his duty to protect the public and the charter. Their response was "we will destroy evidence". I requested that the RCMP stop arresting the public whilst our rights were not being respected by the Courts. No reply.

I was reminded of the presence of the Commissioner of Parliamentary Ethics by the SNC-Lavelin corruption scandal. I alleged to the Commissioner that the Minister of Justice is attempting to improperly protect the investigation of lawyers and judges and in April 2021 they accepted the complaint. At the pre-trial hearing on May 20<sup>th</sup>, 2021 I requested protection of my right to life. My drivers licence and passport had been removed by the government and in this time of business closures by Covid and without the CERB benefits, I needed food to eat so that I could survive to trial. DENIED. The Judge made it clear he was not interested in legal rights and intended to deny everything. I face the possibility of being incarcerated for up to a year as well as a hundred thousand dollars in fines. The stress of course is intolerable and abusive. In the CRA's notes on my file they include statements like "non-cap losses will reduce this to NIL, leaving no tax potential"

**Judges claim a right to ignore everything we say, to solicit perjury and plant that evidence at trial to protect lawyers. The BC Law Society does not discipline lawyers**

**for criminal conduct. The Canadian Judicial Council refuses to submit complaints to Parliament. The Minister of Justice is protecting lawyers and judges breaking the law.**

In 1999 the conduct of Judge Shaw was debated in Parliament after he dismissed a self-represented accused of possession and distributing child pornography. The Judge protected him by claiming he had a "freedom of expression". The Minister of Justice argued in Parliament for the justice system to self-regulate and Judge Shaw was not disciplined but left on the bench where three years later in my case he completed his destruction of the Charter. Shaw did "retire" soon after but not before the Canadian Judicial Council protected and approved his conduct.

**Quotes from the debate in Parliament:**

"We want people like Mr. Shaw to know that Canadians do not respect him, that parliament does not respect him," "Our citizens, men and women and children, are at risk because of this judge's decision." "The courts are already dismissing charges as a result of the present ruling."

**"Who is on the hook if a judge screws up? It is the Prime Minister and the justice minister" "we see the ultimate consequences of a completely unencumbered, unaccountable judiciary."**

"The whole issue of trusting the judicial process to address this tragic situation is wrong."

"If we are ever going to send a message to the judiciary that parliamentary supremacy over legislation is meaningful, and if the public at large is going to receive that message as well, there is no better time to use this than at a time when something so offends the common sensibilities of people."

**You can view the evidence and more details at [www.fundamentaljustice.com](http://www.fundamentaljustice.com) Please write a letter of support to [fundamentaljustice@gmail.com](mailto:fundamentaljustice@gmail.com)**

**Protect YOUR democratic rights and provide witness by attending the Nakusp Court at the Nakusp Arena at 9:30 am on July 15<sup>th</sup>, 2021. Your participation will make a difference.**



Canadian  
Judicial Council  
Conseil canadien  
de la magistrature

Our File : 07-0176

28 August 2007

Ottawa, Ontario K1A 0W8

Mr Trevor Holsworth  
622 Front Street  
Unit 203  
Nelson British Columbia  
V1L 5B4

Dear Mr Holsworth:

I am responding to your letter of 10 July 2007 in which you make a complaint against The Honourable D.W. Shaw of the Supreme Court of British Columbia. In accordance with the *Complaints Procedures* of the Council I referred your letter to The Honourable Robert Pidgeon, Senior Associate Chief Justice of the Superior Court of Quebec and Vice-Chairperson of the Judicial Conduct Committee of the Council.

The mandate of the Council in matters of judicial conduct is to determine whether a recommendation should be made to the Minister of Justice, after a formal investigation, that a judge be removed from office by Parliament. The reasons for removal are set out in the *Judges Act* and address situations where a judge has become incapacitated or disabled from performing the duties of a judge. This can be as a result of age or infirmity, misconduct, a failure to execute the duties of the position, or being in a position incompatible with the functions of a judge.

You complain that Justice Shaw accepted the evidence of your former spouse and her lawyer instead of accepting the transcript. You also complain Justice Shaw allowed a lawyer to not comply with an order.

The admissibility and weighing of evidence is a matter that falls within the ambit of judicial discretion. Chief Justice Pidgeon is of the view that Justice Shaw exercised his judicial discretion when he preferred certain evidence over others. The exercise of judicial discretion is not a matter of conduct. The failure by a party to abide by the order is not either a matter of judicial conduct.

.../2

- 2 -

Given the foregoing, Chief Justice Pidgeon advises your complaint falls outside the mandate of the Council and he has directed me to close the file with this reply.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Norman Sabourin', with a stylized flourish at the end.

Norman Sabourin  
Executive Director and General Counsel





trevor holsworth <fundamentaljustice@gmail.com>

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## Complaint regarding a member of the Canadian Judicial Council

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trevor holsworth <fundamentaljustice@gmail.com>

Sun, Jul 9, 2023 at 12:11 PM

To: info@cjc-ccm.gc.ca

Bcc: trevor.holsworth@gmail.com

I am writing to complain about the conduct of Norman Sabourin and his improper handling of this complaint. I understand that Mr Sabourin is no longer in the employ of the Canadian Judicial Council but the incorrect handling of the complaint should be corrected.

My understanding from the 2010 Procedures of the Canadian Judicial Council under section 6.Complaints involving a council member.

6.1 When proposing to close a file that involves a member of the Council, the Chairperson shall refer the complaint and the proposed reply to Outside Counsel who shall provide their views on the proposed disposition of the complaint.

This is the letter that I was sent by email in 2019. It does not appear that Mr Sabourin referred the complaint to Outside Counsel, or if he did please provide their response.

Yours sincerely,

Trevor Holsworth

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Norman Sabourin <Norman.Sabourin@cjc-ccm.ca>

Thu, Oct 3, 2019 at 9:49 AM

To: "trevor.holsworth@gmail.com" <trevor.holsworth@gmail.com>

Mr Holsworth:

I am responding to your email below, in which you make a complaint against the Honourable Robert Pidgeon, in relation to a decision, in August 2007, to dismiss your complaint against a judge of the Supreme Court of British Columbia.

In light of the nature of your several exchanges with the Canadian Judicial Council, going back to 2005, and the length of time that has elapsed since the 2007 decision, I find that your correspondence constitutes an abuse of the complaints process.

I will be taking no further action.

Norman Sabourin  
Executive Director and Senior General Counsel /  
Directeur exécutif et avocat général principal  
Canadian Judicial Council /  
Conseil canadien de la magistrature

Trevor Holsworth  
PO Box 406  
New Denver BC V0G 1S0

Marc Giroux  
Acting Executive Director and Senior General Counsel  
Canadian Judicial Council

March 7<sup>th</sup> 2024

Registered Mail: RN 623 044 099 CA

Dear Mr Giroux,

I attach the correspondence that I have sent to the Canadian Judicial Council. I have not received a response. A failure to respond cannot be said to be in “good faith”.

This does not generate trust in the process.

Let me know the plan to restore trust which would start by following with your procedures, and the Judges Act.

From the perspective of the public a judge protecting a judge protecting a lawyer committing fraud on a court order by calling upon the Plaintiff and preferring her testimony over the transcript is a clear display of bias, a failure in the rule of law and not in the public interest to be free of fraud and corruption in the legal system.

I note that the standard established for the judging of judicial conduct is;  
“Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office?”

I look forward to your response,

Trevor Holsworth



trevor holsworth <fundamentaljustice@gmail.com>

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## Submission to the Standing Committee on Justice and Human Rights regarding Bill C-9, An Act to amend the Judges Act

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trevor holsworth <fundamentaljustice@gmail.com>

Tue, Sep 20, 2022 at 9:26 PM

To: just@parl.gc.ca

Bcc: trevor.holsworth@gmail.com

To: Standing Committee on Justice and Human Rights <just@parl.gc.ca>

September 20, 2022

Via email: [just@parl.gc.ca](mailto:just@parl.gc.ca)

Randeep Sarai, M.P.  
Chair, Justice and Human Rights Committee  
House of Commons  
Sixth Floor, 131 Queen Street  
Ottawa, ON K1A 0A6

Dear Mr. Sarai:

### Re: Bill C-9, Judges Act amendments

There are some very serious problems facing the administration of Justice which affect all Canadians. Parliament is failing in its role as a check on the powers of the judiciary. The legitimacy of the Public Service and the Executive, the Crown Prosecution Service, the RCMP, and the ethical integrity of the MOJ/AG in a Democracy.

I have previously submitted comments to this committee in 2021 but a clerk of this committee saw fit to delete the comments from being submitted which is decidedly undemocratic. A single public servant preventing the legitimate debate before the People's House is an affront to Canadians and Parliament and effects the integrity of the Public Service, Ministerial and MP responsibilities. It is also probably illegal as an obstruction of justice.

I have attached the comments that I previously submitted which include both a problem with the judiciary claiming absolute power - that their word is above the law and not subject to the Charter, our governing agreement and constitutional law as well as a failure to comply with the open court principle - the CJC should be subject to the FOI Act as currently it is not despite the CJC claiming transparency and accountability in its propaganda statements.

I also add the basics of two constitutional questions that I placed before the BC Court of Appeal for their information regarding the failure of the Judges Act to provide sufficient safeguards for the public in the discipline of federal judges. There is NO protection for the public in the process and NO rights for the public in the forum. The second constitutional question addresses the problem of how that might have come to be, which is the failure for Parliament to maintain the integrity of the doctrine of the separation of powers in its membership requirement for Parliament and the Senate including ex-judges and lawyers in the People's House.

I am currently before the Court and the problems that I present are causing problems for the integrity of the justice system including Judges, Crown Prosecution, the AG/MOJ, GG's office, and the PM's office. Urgent political steps are urgently required. I attach my correspondence with the PM's office, and the Parliamentary Ethics Commissioner regarding the conduct of the MOJ refusing to respond to the enforcement procedure of the Charter improperly protecting lawyers and judges obstructing justice.

This matter is in the public domain at [www.fundamentaljustice.com](http://www.fundamentaljustice.com) and I am active on Twitter @RuleofLawCanada










I am available for assistance in the resolution of this matter. I know the seriousness of this matter and the delicacy required for proper resolution. The time to solve this problem is now because the integrity of the justice system and the public's confidence is seriously strained. Based on the evidence, there is zero trust. It is time to restore the breach in the Charter.

Thank you for your attention to this matter.

Trevor Holsworth  
[www.fundamentaljustice.com](http://www.fundamentaljustice.com)

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**9 attachments**

-  **briefforparliamentCOMPILATIONforWEBSITE.pdf**  
53K
-  **EthicsCommissionerMOJComplaint.pdf**  
52K
-  **EmailCommunicationswithETHICSCommissionerDION.pdf**  
139K
-  **Gmail - Office of the Prime Minister \_ ref to MOJ & MPS March 4, 2022.pdf**  
82K
-  **Gmail - Office of the Prime Minister \_ August 22-2022.pdf**  
75K
-  **Gmail - Office of the Prime Minister \_ July 28-2022.pdf**  
74K
-  **Form 2 - appeal for SRL - completed&stampedJune9th2022 by registry.pdf**  
102K
-  **NoticeOfConstitutionalQuestionElectoralActLawyers.pdf**  
93K
-  **NoticeOfConstitutionalQuestionJudgesActKeiraLaw.pdf**  
104K

I have in my possession a reply from the Canadian Judicial Council to a complaint that I made against a Federal Judge. My complaint was that when I presented the official transcript of trial to the Judge he personally called up my ex-wife and accepted the verbal testimony of my ex-wife of what she heard a previous Judge say 6 months earlier over what the transcript of trial indicated. The Canadian Judicial Council indicated that this was a matter of discretion and the weighing of evidence which is not a matter for discipline.

I disagree with their finding and find that the result of this determination is that we have a judicial system in Canada which is arbitrary. If Federal Judges have the right to ignore their own transcript of trial then we don't have a system of appeal. If Federal Judges have the right to ignore their own transcript of trial then we have a massive problem with our Charter of Rights.

S7. Everyone has the **right** to life, liberty and security of the person and the **right** not to be deprived thereof except in accordance with the principles of fundamental justice.

It seems very well established that the primary component of fundamental justice is that is NOT arbitrary.

I cannot present better evidence than the transcript of trial. For a judge to decide to ignore the transcript of trial is arbitrary. For the Canadian Judicial Council to accept that conduct as within their acceptable standard is completely unacceptable. I have pointed this reality to the Canadian Judicial Council but they have refused to respond. I wrote and requested that the Canadian Judicial Council put this issue to Parliament for confirmation that Parliament agrees with this incredible determination. They wrote back and refused and called my request abusive.

I have attempted to communicate with the Attorney General of Canada including an accepted registered letter including partly the following.

Section 24 of The Charter of Rights allows me to enforce my rights

"(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances."

The only Court of competent jurisdiction to judge the judges who judge the judges is Parliament. I have currently lost most of my legal rights except obviously my right to life but I am in fear of losing that. I am hereby applying to Parliament for the protection of my charter of rights. Obviously urgency is of prime importance.

I have received zero response.

My understanding is that the Rule of Law is that no-one is above the law, including judges. The Canadian Judicial Council simply cannot have a policy that contradicts the Canadian Charter of Rights. The result of this policy is that there has been a massive breach in our Charter of Rights affecting thousands of Canadians as well as myself personally. I am of course in contempt of court because Federal Judges believe that they have the right to arbitrary justice contrary to our Charter of Rights. I cannot attend a court to defend myself or protect myself without risk to my rights and freedoms.





trevor holsworth &lt;fundamentaljustice@gmail.com&gt;

## Submissions to the Parliamentary Committee on Public Safety and National Security

trevor holsworth &lt;fundamentaljustice@gmail.com&gt;

Fri, Nov 18, 2022 at 9:56 AM

To: DEDC@parl.gc.ca

Thank you for your response. The evidence that I enclose disclose an obstruction of Justice and a failure of the Minister of Justice to comply with his duty to protect Canadians and ensure that the Administration of Justice in compliance with the law. The government is not in compliance with our constitution, the Charter creating a constitutional crisis which respect for the rule of law, constitutionality and Public Safety. As the documents demonstrate the PM's office has acknowledged the problem and forwarded the issue to the Minister of Public Safety but nothing further has occurred in several months which is unacceptable. The invocation of the Emergencies Act was due in part to the problems facing the Prime Minister from the contents of these documents. The Freedom Convoy was the scapegoat.

I attach my communications with the Prime Minister's office and the AG/MOJ, as well as the follow up email to the PM's office where the matter is forwarded to Minister of Public Safety. I have put this matter before the Courts but due to the obvious conflict of interest and their lack of jurisdiction in the matter was not resolved and I include the Notice of Constitutional Question that has never been answered which compelled me to submit an additional Notice of Constitutional Question on the failure to respond to a Constitutional Question which was not answered. The Ethics Commissioner has accepted the complaint and I attach the correspondence in that regard. When I did bring up the matter with the RCMP National Division they threatened to "destroy" the evidence if I communicated further. This matter has also been referred to the Committee of Justice and Human Rights and I include that communication as well.

I have submitted this evidence to the Public Order Emergency Commission as well.

[Quoted text hidden]

[Quoted text hidden]

### 6 attachments

**EthicsCommissionerMOJComplaint.pdf**

52K

**Gmail - Submission to the Standing Committee on Justice and Human Rights regarding Bill C-9, An Act to amend the Judges Act.pdf**

104K

**Gmail - Office of the Prime Minister \_ ref to MOJ & MPS March 4, 2022.pdf**

82K

**correspondancewithAG-PM-MOJwithhighlights.pdf**

195K

**NoticeOfConstitutionalQuestion.pdf**

63K

**CommunicationwithRCMPCorruption.pdf**

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trevor holsworth <fundamentaljustice@gmail.com>

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## Failure in the Integrity of Canada's Democratic institutions

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trevor holsworth <fundamentaljustice@gmail.com>

Mon, Mar 6, 2023 at 11:42 AM

To: "proc@parl.gc.ca" <proc@parl.gc.ca>

House of Commons  
Standing Committee on Procedure and House Affairs,

Canadian Judges claim not to be bound by the constraints on their authority by the Charter and refuse to allow the legitimate debate appropriate in a free and democratic State, to permit the appropriate checks and balances. When presented with the facts supporting this allegation the Minister of Justice made false and misleading statements regarding his duties and as an Attorney General refused to respond to the Enforcement Procedure of the Charter s 24(1). The refusal of the Executive to comply with the terms of our governing agreement, our Constitution creates a Constitutional Crisis. The principles of Parliamentary Sovereignty and Democracy dictate that Parliament speaking for the People are the Penultimate decision makers to legitimately resolve this issue to perform their role in the protection of the public interest for peace, order and good government.

I will be serving Parliament directly with the Enforcement Procedure of the Charter in the coming days and as the procedure laid out by the Ministry of Justice has been ignored by the Executive in an obstruction of Justice and denied by Judges in a breach of public trust I thought to communicate with the Standing Committee on Procedure and House Affairs on the next most appropriate procedure.

A Parliamentary Petition on the matter didnt work the first time we tried in 2021, the sponsoring MP was approached by the Government and crossed the floor and never presented. The subsequent petition #3848 was completed on June 16, 2022 but never presented. Both of the associated MP's, being informed of the public concern, joined the rest of Parliamentarians in voting for the Judges Act, in conflict with the public interest and contradicting the claim that input from all stakeholders, including the public, had been considered. There was no public consultation and no interest in what the public had to say. I communicated with my MP, as well as the Official Leader of the Opposition and the Shadow Minister of Justice. I have communicated with the Leader of the NDP regarding his role, the NDP-Liberal confidence agreement was signed within a month of my communication with the Governor-General regarding her role, particularly within the framework of a minority government, where she is not obliged to accept the legal opinion of the Minister of Justice. So, I propose I serve the House of Commons, for the House to fulfill it's democratic function to check the powers of the Executive and Judiciary. I could easily send the matter to all Members of Parliament directly or proceed in any other manner that you propose.

The Canadian Judicial Council receives over 600 complaints every year alleging misconduct by federal judges, Less than 0.1% of these result in a referral to council. The complaints that do make it through are mostly relate to allegations of sexual, racial, or drug misconduct. The reminder are dismissed by the gatekeeper as within the exercise of the discretion of the judge and a claim that discretion cannot be judged as conduct. In my own complaint the Judicial Council determined that Judges have discretion on their acceptance of the official record of trial, the transcript, the best evidence that any Canadian could provide. The current acceptable conduct of Judges includes calling the Plaintiff to the stand and asking her what she heard a judge say 6 months previously, and preferring that to the official court record, the transcript that I presented, to correct a lawyer committing fraud upon the Court with a fraudulent court order. I had also reported to the Court that a lawyer was not complying with a court order to provide monthly trust account statements but the Judge and the Judicial Council did not deem that to be a problem. I suggested to the Council that they reconsider but they did not change their perspective. I made a complaint regarding the Judge who dismissed my complaint but the gatekeeper responded that I was abusing the process.

If you cannot report criminal activity in a legal system you do not have a justice system you have organized crime, sanctioned by the State.

The duty of the Minister of Justice is to protect the public and, to ensure that administration of Justice is in compliance with the Law. Which it isn't, because I had served the Deputy AG's office by registered mail following the procedures set out by the Ministry of Justice and following the enforcement procedure of s24(1) of the Charter and requested that Parliament exercise it's jurisdiction over the conduct of judges, under section 99 of the Constitution. I received no response. A breach of the Charter. I wrote to the PM's Office and they forwarded the problem to Marco Mendicino acknowledging the public safety concern. I received no response.

## Evidence to assist the deliberation of Parliament

In the court system I presented evidence of failures in the Rule of Law throughout the Canadian Legal System and the problem of Judges claiming absolute unreviewable discretion and requested that they issue a writ of mandamus for the Minister of Justice to present this to Parliament. Justice refused to rule, failing the role of a Judge, s 80 c) of the Judges Act. I appealed to the BC Court of Appeal but they refused to allow debate on the matter. The Judiciary lacks the legitimate attributes to claim an ability to perceive the "public interest" and are willfully blind in their concept of what is "good behavior" for a judge, section 99 of the Constitution, and fatally flawed in their determination of what a "fair-minded and informed observer would consider to be incompatible with the due execution of judicial office." as defined by section 80 d) in the Judges Act.

The established precedent is that "no-one can be a judge in their own cause". The rules for the judging of judicial conduct; "Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office?" and "Judicial independence exists for the benefit of the judged, not the judges. It is therefore to be assessed from the perspective of the reasonable observer and in light of the public interests it is meant to serve." It is obvious that the Judiciary are unable to resolve this matter internally, that is why Democracy has checks and balances and Parliament is the legitimate and constitutional body to perform the function of the examination of judicial conduct, speak democratically to the public interest, and they are the only body with the jurisdiction to provide the remedy required, to dismiss a judge, under s99 of the Constitution.

I presented a brief before the House of Commons Committee on Justice and Human Rights disclosing these problems and it was posted prior to the debate on the proposed Judges Act. I requested to be heard before the Committee on the same day as the man with the hearing impairment was selected. Before his presentation he was told that the Bill was going to pass, that the MP, a former crown prosecutor, had investigated the citizen, and then he was asked if he had anything to say. No mention was made of the issue I presented in the brief before the Committee. The Judge's Act is now before the Senate and I have informed the appropriate Senate Committees and every Senator of the problems I outline in this email.

I communicated with the Premiers of the Provinces and Territories in late December 2022 and a week later they requested a shake down from the PM for "health care funding".

The Ethics Commissioner in 2021 accepted my complaint regarding the conduct of the Minister of Justice improperly protecting lawyers and judges by refusing to respond to the enforcement procedure of the Charter.

The RCMP National Division Intake Unit has the "mandate to safeguard and investigate significant threats to Canada's political, economic and social integrity" concerning complaints about "federally elected members of Parliament." However, when I reported that the Minister of Justice was failing to respond to a Charter complaint to have judicial conduct examined by Parliament and provided them a copy of my Charter complaint, they wrote, "any future communications... unless solicited...will not be reviewed and will be destroyed."

The matter was presented as evidence to the Emergencies Act Inquiry and they acknowledged receipt on Dec 26, 2022.

I notified CSIS at the very end of 2022.

The AG's office refuses to respond to a Constitutional Question on the constitutionality of the AG refusing to respond to the Enforcement Procedure of the Charter and subsequently a Constitutional Question on the constitutionality of not responding to a constitutional question. Refusing to respond cannot be said to be in "good faith". The problem goes to the legitimacy of the Executive as they are in breach of the Constitution, meaning they are illegitimate. It also goes to the integrity of the Public Service as the Judiciary is the administrative head of the Public Service. The Judiciary claims not to be bound by their own documentation. How does any citizen trust a Public Service that claims that they can make up evidence to protect criminal activity? How does any citizen trust any Parliamentarian who does not protect the "public interest".

The problem with the Judges Act and the proposed reform, Bill c-9 is that there continues to be in the process, zero protection for the public. Despite claims to the contrary, there has been zero consultation with the public, whom the justice system purports to serve. The claim that the lay person process is an improvement is simply a fabrication. The process is; first, a screening officer removes some complaints and sends some to a reduced hearing panel which comprises only of judges. If that panel passes it, then it goes to a full hearing panel, where a lay person, may be included, from a list of any number ( including 0 ) and the only qualification for that position, besides not being a lawyer is that the Council appoint them. The previous Judges Act didn't include the full panel option so they added another step at the very end of the existing procedure and claimed the process is more efficient.

Parliament must assert its authority to maintain Parliamentary Supremacy, protect Democracy, and work to re-establish trust and the rule of law for Canadians. Denial is destructive. Free and legitimate debate is how democracy is protected. Unfortunately for the integrity of the impartiality of Parliament the Judge who initially created this problem had previously had his fitness as a Judge debated in the House, when in 1999 he declared the law on child pornography to be

## Evidence to assist the deliberation of Parliament

unconstitutional and MP's were determined for his removal however they folded their resolve to comply with the Minister of Justice pleadings to allow the Justice system to internally regulate.

Is this the Canada we leave to our children?

No Canadian will trust a justice system that cannot determine right and wrong between accepting the transcript and soliciting perjury. A Judge that supports a claim of absolute power is not fit to be a judge in a democracy. A legal system that fails to protect the integrity of our governing agreement is not fit for purpose. Parliament must perform its constitutional duty for Peace, Order and Good Government.

I have done my very best as a Canadian citizen to communicate at all times with the appropriate authorities following the law and procedures. Nobody is above the law in a democracy. We are equal and have a right to face our abusers and see justice done in a fair and impartial tribunal complying with constitutional and democratic values. These are human rights that are enshrined in our Constitution and represent the values that Canadians share. There is a path forward to restore trust. Canada will be a better place for our efforts.

Trevor Holsworth  
[www.fundamentaljustice.com](http://www.fundamentaljustice.com)

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### 3 attachments



**CJCPigeon-Shaw'JudicialDiscretion'\_20201009\_0001.pdf**  
641K



**NoticeOfConstitutionalQuestion.pdf**  
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**attorneygeneralapplicationtoparliament.pdf**  
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## Brief to support the deliberations of the Parliamentary Committee on Justice and Human Rights. Debate on Bill C-40

### AN ACT TO AMEND THE CRIMINAL CODE, TO MAKE CONSEQUENTIAL AMENDMENTS TO OTHER ACTS AND TO REPEAL A REGULATION (MISCARRIAGE OF JUSTICE REVIEWS)

Submitted by Trevor Holsworth

Thank you for this opportunity to contribute to the advancement of the better administration of justice.

I am in the unfortunate position of having informed the legal system of problems in the administration of justice which has resulted in retribution, which reflects poorly on the constitutional requirement for fair and impartial trials.

My experience included a lawyer committing fraud on a court order and a refusal to comply with a court order to provide monthly trust account statements, evidence tampering and trial fixing. I reported the problems to the BC Law Society and the lawyer involved admitted to the default in writing and pleaded for mercy. There was no hearing and the matter was dismissed by the benchers with no discipline whatsoever and a refusal to provide the written reasons for their decision as required by statute of the legislature.

How can Canadians trust this relationship critical to accessing justice?

Unfortunately the Judge who presided over the trial was Mr Shaw whose fitness as a judge was debated in the House of Commons in early February 2002 with near unanimous condemnation however they almost all folded their position when the MOJ Anne McLellan pleaded with them to permit the justice system to resolve the matter internally. Unfortunately a local Judge had seized himself of the trial and there was no explanation for why he was not in attendance and the police were informed of substantial removal of documents from the court file and redacting of all references to failures by the lawyer to comply with court orders. There was no investigation conducted beyond interviewing me, and dismissing my concerns as being paranoia.

A complaint was made to the Canadian Judicial Council of Judge Shaw's behavior at trial where when presented with the transcript to conclusively demonstrate the fraud perpetrated on the court order he called upon the Plaintiff and requested she provide testimony and preferred that to the best evidence that any Canadian could provide.

The council approved of the conduct as complying with the "good behavior" constitutional requirement. How that judicial conduct complies with the Judges Act s 80, "the judge's continuation in office would undermine public confidence in the impartiality, integrity or independence of the judge or of their office to such an extent that it would render the judge incapable of executing the functions of judicial office..." specifically subcategory "d) the judge is in a position that a reasonable, fair-minded

and informed observer would consider to be incompatible with the due execution of judicial office".

The Council dismissed the complaint without examination as being one of "judicial discretion" as if discretion is absolute and not bounded when the acceptance of the transcript is a duty, to protect Canadians to their right to access the public service of justice.

I subsequently made a complaint to the Council regarding that decision which the lawyer assigned to reviewing complaints dismissed as an abuse of process instead of following the Council's procedures to send complaints regarding members of the council to an independent lawyer for independent advice. Despite reminders this has never been resolved and further communications with the council remain unanswered.

I properly served the enforcement procedure of the Charter s 24(1) upon the AG/MOJ which failed to generate a response, including a response to a constitutional question on the matter, which continues to remain unanswered and subsequently an explicit refusal to respond to the constitutional question and constitution.

The concern is a lack of regard by the administrators to deliver the public interest in a legal system that provides justice, complies with the constitutional constraints and procedures.

When I presented these facts and lots more before the BC Supreme Court including a writ of mandamus on the MOJ to comply with his duty to protect the public and ensure that the administration of justice was in compliance with the law it was dismissed as "irrelevant" and subsequently for a right to appeal to the BC Court of Appeal where my lived experience was not only "irrelevant" but a "conspiracy theory...does not reflect reality".

The reality of the consequences of that decision confirm that I have no rights in the BC Courts as everything I say can be denied as a conspiracy theory and given that the Judicial Council claims discretion over all evidence the legal system is arbitrary and worse. I was subsequently incarcerated for 80 days with a refusal by all lawyers to represent me, and no ability to appeal the decision as the incarceration occurred immediately. I did submit a habeas corpus application the Supreme Court of Canada which was ignored for over a month, until a complaint to the Canadian High Commission in Australia by my parents generated a response from the Court, that termed my habeas corpus application, "a letter" in denial of s 9, arbitrary imprisonment" and s 10 c the right to habeas corpus. I can confirm that there was no legal advice available through prison legal services on habeas corpus applications at all. The prison law library had no Supreme Court of Canada decisions in its legal database, only Western Provincial decisions which for my purposes were irrelevant.

If the Canadian Judicial Council approves of judges ignoring the best evidence that any Canadian could provide then justice is subject to every whim and bias of a judge and offends s 9 of the Charter. The problem appears to be that Judges are not competent at fair and impartial judging of their own conduct, and the conduct of lawyers. That should have been apparent long ago, as it is a well established principle of fundamental justice that no-one can be a judge in their own cause.

The desire to assert the important separation of powers doctrine of judicial independence forgot that the principle exists to protect the public. During the debate on the Bill c-9 the Judges Act in the Senate I proposed amendments that would correct that deficiency but it appears that the government refused to accept most of the amendments suggested by the Senators. My proposal was that judicial conduct should be examined by a jury as a bulwark of individual liberty and the reality that judicial conduct can

only be legitimately examined by the citizen, whom they purport to serve.

I informed both the Speaker of the House and the Committee on Procedures and House Affairs regarding the problems in the administration of justice and requested procedural details regarding the process to follow to request Parliament to assert its constitutional responsibility for peace, order and good government for Canadians. Parliament is the penultimate protector of the liberty of the citizens of Canada and the separation of powers doctrine requires checks on the legitimacy of the claims of constitutional compliance by the Judiciary. PROC never responded, which is somewhat understandable given that the MOJ's legal advice is to deny the enforcement procedure of the Charter which creates a constitutional crisis as the Executive claims it is not bound by the procedures of the Charter and have refused to justify that conduct in a free and democratic state as required in s 1.

It is not fair to subject Canadians to abuse by lawyers and judges and provide them with zero ability to protect themselves. This is a responsibility of Parliament. Law Societies are a creation of the provincial legislatures with the protection of the public interest as their primary objective. But the Judges Act and the Supreme Court of Canada Act are responsibilities of the Federal Parliament. If there is no protections for the public then they have no purpose.

Having a judge or a lawyer check for situations of false imprisonment does not properly check the powers of the Judiciary.

On a personal note, I shouldn't be incarcerated for telling the truth about my bad experiences in the legal system, requesting accountability, transparency and constitutionality to be rigidly tested and enforced according to the established legal rules. We are supposedly guaranteed these legal rights. I wouldn't return to a store that didn't honor their guarantees because I have other options, but the legal system is operating a monopoly and Parliament has a duty to enforce the terms of the guarantee upon the Judiciary. It is one of the core responsibilities of the Executive and the House of Commons, failure to do so constitutionally should result in the dismissal of the MOJ and the PM. That is how important upholding the rule of law is in a democracy. They hire them, often based on political party affiliations, probably political bias and the MOJ has the responsibility to request Parliament to fire them for failure to provide their constitutionally required "good behavior".

The best solution for democratic deficit is to reinforce democracy. For the current bill it would be important to have a citizen jury at the head of the process in order to protect the public interest. The Jury system is well respected as a bulwark against a biased, overzealous or vindictive Judiciary.

I support the problem identified in the brief, by the Canadian Criminal Justice Association, Dr. Myles Frederick McLellan

"The available remedies in Canada to pursue compensation include civil litigation for malicious prosecution, negligent investigation, a Charter breach and the highly politicized exercise of discretion by a government to make a payment without acknowledging liability. Except for the very few, none of these remedies are very helpful. Liberal democracies like Canada are honour bound if not constitutionally mandated to provide for innocence compensation far beyond the onerous and cost prohibitive pursuit of litigation against the State and the current highly secretive and inadequate executive remedy requiring an elusive exercise of mercy."

"Clearly, this is an area that calls for legislative action. The right to be free from a wrongful accusation, conviction and imprisonment and the corresponding right to be compensated for the damages caused thereby is enshrined in international human rights law. The need is palpable to create a legislative remedy that is transparent, consistent, removed from the political process and perhaps most

importantly, accessible to those in need.”

I support the problem identified in the brief, by Harry LaForme, Kent Roach and Juanita Westmoreland-Traoré

“The creation of this commission has been recommended by commissions of inquiry since 1989. Canadians and most importantly victims of miscarriages of justice have waited much too long to be presented with such an unnecessarily inadequate bill.... We recommended a commission of between 9 and 11 commissioners chosen by an independent committee.”, although they recommended lawyers and I recommend a jury of citizens, expanding on s.696.75 requirement of only 50%, this would also solve the independence from government problem.

I emphasize their comment, “Almost 20% of the 87 people on the Canadian Registry of Wrongful Convictions pled guilty.” Section 696.4(3) requiring an adverse decision from a Court of Appeal would make the commission inaccessible for many, indeed most, victims of miscarriages of justice and “Section 696.2 should be amended to allow applications from persons who are currently serving a sentence of imprisonment.”

“Section 696.6(2) should be amended to delete the phrase “and considers that it is in the interests of justice to do so”. The phrase is vague.” and subject to abuse on the perception of whose interests justice should represent.

I support the problems identified in the brief by the Innocence Project particularly the investigation of causes for false guilty pleas.

I support the statements in the brief by Darren Seed,

“David Milgaard was wrongly convicted, and the people who wrongly convicted him felt “tension” and “resentment” because their laughable, were it not so tragic, incompetence was pointed out. Out of the buffet of available emotions, there were arguably many more appropriate ones available. Such as Shame. Sorrow. Regret. Guilt. Remorse. Desire to improve. Rejoicing that justice was finally achieved. Yet in Saskatchewan, they still act like kindergarten kids who lost their favourite marbles in a game on the playground. Childishly sulky and bad tempered. Sore losers. They don’t have the quality of character to either stop or rectify wrongful convictions.: In February 1991, former Saskatchewan prosecutor Serge Kujawa was outraged that the Supreme Court was reviewing the Milgaard case and called Milgaard a “guilty kook,” reported the Winnipeg Sun. “It doesn’t matter if Milgaard is innocent of the 1969 murder for which he’s spent 22 years in prison – his case should remain closed,” Kujawa, then an NDP MLA, told the Winnipeg Sun. “The whole judicial system is at issue – it’s worth more than one person,” said Kujawa. THAT is the longstanding, ongoing attitude toward wrongful convictions by prosecutors, police and the ministry of justice for Saskatchewan. DON’T dare Question the System. Especially when they are wrong.“

I support the comments made by the Advocates Society, “We recommend that the commission have jurisdiction to do systemic reform work related to the prevention of miscarriages of justice”.

The last thing that anyone who has been wrongfully convicted is to submit themselves to a Judiciary that denied them on typically multiple occasions. That is abusive. I will not voluntarily submit myself to that abuse under the current regime.

Parliament has the ultimate responsibility to protect the public interest from abuses of power by the Judiciary or the Executive.

Trevor Holsworth





Trevor Holsworth <[REDACTED]>

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## Fundamental Justice - CJC Petition

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Trevor Holsworth <[REDACTED]>

Mon, Apr 19, 2021 at 7:57 PM

To: Jenica.Atwin@parl.gc.ca

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Jenica Atwin,

I just signed the petition regarding the Canadian Judicial Council and I wanted to thank you personally.

I actually was considering running for the Green Party specifically in order to create accountability in this organization.

I live in British Columbia.

I made a complaint about a judge disregarding the transcript of trial that was presented at court. This judge is well known to Parliament as he has been previously the subject of numerous debates. However the Canadian Judicial Council approved of his conduct in order to protect him protecting a lawyer creating a fraudulent court order.

I pointed out to the CJC how their decision conflicts with the charter of rights as well as any notion of justice. They just ignored me and ignored me and ignored me every year when I wrote them reminder letters.

Absolute discretion has not been claimed by ANY modern democracy and revolutions have been fought over this issue for centuries. This is a major problem.

I submitted a Charter of Rights complaint to the current Attorney General / Minister of Justice David Lametti however he just ignored it, including follow up emails. I notified the PM and that got a very brief response "we do not provide legal advice to the general public" from the Minister of Justice. I requested that Parliament be notified of the issue and provide the constitutional safeguard checks and balances. REFUSED.

This is a very serious issue for Canada. I hope that you see the enormous problem. There is absolutely no document that a Canadian can provide to the courts where they do not claim a discretion to ignore it. I wrote to the United Nations because I could not get justice in Canada.

I am pleading with you to attempt to resolve this situation for ALL CANADIANS. This needs to be addressed by Parliament urgently.

Yours sincerely,

Trevor Holsworth



trevor holsworth <fundamentaljustice@gmail.com>

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## Constitutional Crisis

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trevor holsworth <fundamentaljustice@gmail.com>

Sat, Oct 22, 2022 at 9:54 AM

To: pierre.poilievre@parl.gc.ca

Mr Pierre Poilievre,

I am writing to you as a member of the public living in British Columbia and addressing you as a member of the House of Commons and leader of the official opposition party.

In March 2020 I properly served the AG/MOJ through the Deputy AG's office following the procedures in the s 24(1) of the Enforcement Procedure of the Canadian Charter of Rights due to legal and administrative failings within the justice system compromising the public safety due to a complete failure of the rule of law and democracy at all levels of Government up to the PM's and GG's office.

There has been no response ever received, despite constitutional questions being asked through the court process and communication with the PM's office regarding the MOJ lack of response. David Lametti did eventually respond by email however unfortunately he made false and misleading statements regarding his duties and has refused to respond further. Further communications with the PM's office then resulted in the matter being forwarded to the Minister of Public Safety Marco Mendicino for the obvious reason, the government is in breach of it's governing agreement and refusing to comply with the law and be accountable to the people. I have received no further correspondence on the matter. There is an ongoing breach of the Charter by the Executive for failures in the administration of justice which requires Parliament to be informed.

That is your role as the official opposition in a parliamentary democracy.

It is a constitutional crisis that the Executive and Judiciary are attempting to ignore, which requires Parliament to provide the legitimate checks and balances that the people require for trust in our democratic institutions.

I am also available by telephone at [REDACTED]

Yours sincerely,

Trevor Holsworth



trevor holsworth <fundamentaljustice@gmail.com>

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## Constitutional Crisis and NDP Support for the Federal Liberal Party.

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trevor holsworth <fundamentaljustice@gmail.com>

Thu, Dec 29, 2022 at 10:47 AM

To: Jagmeet.Singh@parl.gc.ca

I am writing to you as a member of the public living in British Columbia and addressing you as a member of the House of Commons and leader of the NDP, particularly in the context of the confidence and supply agreement with the Federal Liberal Party Executive.

In March 2020 I properly served the AG/MOJ through the Deputy AG's office following the procedures in the s 24(1) of the Enforcement Procedure of the Canadian Charter of Rights due to legal and administrative failings within the justice system compromising the public safety due to a complete failure of the rule of law and democracy at all levels of Government up to the PM's and GG's office.

There has been no response ever received, despite constitutional questions being asked through the court process and communication with the PM's office regarding the MOJ lack of response. David Lametti did eventually respond by email however unfortunately he made false and misleading statements regarding his duties and has refused to respond further. Further communications with the PM's office then resulted in the matter being forwarded to the Minister of Public Safety Marco Mendicino for the obvious reason, the government is in breach of it's governing agreement and refusing to comply with the law and be accountable to the people. I have received no further correspondence on the matter. There is an ongoing breach of the Charter by the Executive for failures in the administration of justice which requires Parliament to be informed.

I did write to the Governor General's Office on October 26, 2021 and again on March 7th, 2022 outlining the problems facing the administration of Government by the Liberal Party Executive in breach of the Constitution of Canada and her responsibilities in that regard specifically as it might apply for a minority government. I received no response however I did note that the NDP agreed on March 22nd, 2022 to a confidence and supply agreement with the Federal Liberal Party Executive. I'm not sure if you are aware of the complete story so I am attaching my communications with the Governor General's office. In light of this information I would suggest that the NDP agreement is not in the Public Interest and should be revoked immediately.

It is a constitutional crisis that the Executive and Judiciary are attempting to ignore, which requires Parliament to provide the legitimate checks and balances that the people require for trust in our democratic institutions.

I am also available by telephone at [REDACTED]

Yours sincerely,

Trevor Holsworth

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### 2 attachments



Gmail - Current problems with Responsible Government - GG Mar 7.pdf

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Gmail - Current problems with Responsible Government - October 26 2021 Letter to Governor General.pdf

82K



trevor holsworth <fundamentaljustice@gmail.com>

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## Petition for Parliament to check the Constitutionality of the Judiciary

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trevor holsworth <fundamentaljustice@gmail.com>

Wed, Jun 21, 2023 at 11:51 AM

To: richard.cannings@parl.gc.ca

My name is Trevor Holsworth. I am a resident of New Denver V0G 1S0 and Richard Cannings is my federal member in the House of Commons as a representative of the citizens of South Okanagan / West Kootenay.

The Canadian Judicial Council has written to me claiming that Judges have discretion in their decision to accept their official record, the transcript, the best and most relevant evidence that any Canadian could provide when disclosing fraud committed on a court order by a lawyer. Unfortunately in this instance the Judge went a step further and called upon the Plaintiff, a woman, to dispute the transcript and preferred the suborned perjury to my evidence, the transcript.

"The legal concept of discretion implies the power to make a choice between alternative courses of action. If only one course can lawfully be adopted, the decision taken is not the exercise of a discretion, but the performance of a duty" Principles of Judicial Review, Discretion in Administrative Law

No Canadian is going to trust a legal system that denies them all evidence. Forcing them to "trust" by coercion is not legitimate in a democracy. Judges assert that their discretion cannot be challenged claiming judicial independence although that is not a valid legal argument.

"In public regulation of this sort there is no such thing as absolute and untrammelled discretion", "abuse of power and corruption are always the exception" and "The rule of law operates...to constrain the exercise of arbitrary authority...no public official has the authority to make a decision that is arbitrary, improper, or in bad faith."

Supreme Court of Canada

R v Roncarelli [1959] S.C.R. 121

Judicial independence exists for the protection of the public, not the judges.

Parliament must face the reality that the Judiciary is claiming absolute and unreviewable discretion, a claim of absolute power, which is undemocratic, unconstitutional, and a threat to the safety of the Canadian Public.

"leads to the community's frustration with the judicial system and eventually to a feeling of contempt for court proceedings"

R v Askov, [1990] 2 S.C.R. 1199

I will be serving every member of the House with the enforcement procedure of the Charter to have this matter heard by the only court of competent jurisdiction to do so, Parliament.

As a preliminary step to follow established procedure for the public to access Parliament I am asking for your support to sponsor a private members bill to have this matter brought to the attention of the House of Commons.

Thank you for your attention to this matter. I attach for your information my communications with PROC, an identical letter was also sent to the Speaker of the House who did respond but PROC did not.

Trevor Holsworth

[www.fundamentaljustice.com](http://www.fundamentaljustice.com)



**Gmail - Failure in the Integrity of Canada's Democratic institutions - House of Commons.pdf**

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trevor holsworth <fundamentaljustice@gmail.com>

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## Your role as Shadow Minister of Justice and AG

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trevor holsworth <fundamentaljustice@gmail.com>

Sun, Oct 23, 2022 at 5:36 PM

To: Rob.Moore@parl.gc.ca

I am writing to you as a member of the public living in British Columbia and addressing you as a member of the House of Commons and shadow Minister of Justice and AG of the official opposition party.

In March 2020 I properly served the AG/MOJ through the Deputy AG's office following the procedures in the s 24(1) of the Enforcement Procedure of the Canadian Charter of Rights due to legal and administrative failings within the justice system compromising the public safety due to a complete failure of the rule of law and democracy at all levels of Government up to the PM's and GG's office.

There has been no response ever received, despite constitutional questions being asked through the court process and communication with the PM's office regarding the MOJ lack of response. David Lametti did eventually respond by email however unfortunately he made false and misleading statements regarding his duties and has refused to respond further. Further communications with the PM's office then resulted in the matter being forwarded to the Minister of Public Safety Marco Mendicino for the obvious reason, the government is in breach of it's governing agreement and refusing to comply with the law and be accountable to the people. I have received no further correspondence on the matter. There is an ongoing breach of the Charter by the Executive for failures in the administration of justice which requires Parliament to be informed.

That is your role as the official opposition in a parliamentary democracy.

It is a constitutional crisis that the Executive and Judiciary are attempting to ignore, which requires Parliament to provide the legitimate checks and balances that the people require for trust in our democratic institutions.

I am also available by telephone at [REDACTED]

Yours sincerely,

Trevor Holsworth



trevor holsworth <fundamentaljustice@gmail.com>

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## Shadow Minister of Democratic Reform.

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trevor holsworth <fundamentaljustice@gmail.com>

Thu, Jul 13, 2023 at 2:15 PM

To: michael.cooper@parl.gc.ca

Michael,

I am contacting you in your role as Shadow Minister of Democratic Reform. I am a citizen of Canada and live in New Denver, BC V0G 1S0 which is the NDP held seat of South Okanagan-West Kootenay with Richard Cannings as my MP.

I first contacted Richard Cannings to sponsor this Petition to Parliament but he has declined to respond. I attach my communication with Mr Cannings for your information.

I also attach the communication that I have had with the Speaker of the House and his response. An identical email was also sent to PROC but no response was forthcoming.

I have been involved in communicating with Parliament extensively attempting to resolve this issue for the peace, order and good government of all Canadians. You may find it helpful to connect with Senator Batters regarding this issue as she might be able to provide some more context in regards to the debate that occurred in the Senate and my communication with that democratic institution. I submitted a proposal for the democratic reform of the judicial conduct process to the Senate during the debate on the Judges Act which can be accessed here [https://sencanada.ca/Content/Sen/Committee/441/LCJC/briefs/LCJC\\_C-9\\_Brief\\_Holsworth\\_e.pdf](https://sencanada.ca/Content/Sen/Committee/441/LCJC/briefs/LCJC_C-9_Brief_Holsworth_e.pdf).

You may find it educational as well to examine the contents of [www.fundamentaljustice.com](http://www.fundamentaljustice.com) particularly the debate before the BC Court of Appeal Justice Newbury where despite extensive reporting of failures in the rule of law by lawyers, judges and the Minister of Justice refusing to respond to the enforcement procedure of the Charter to have Parliament examine the claim of Absolute and Unreviewable Power of the Judiciary her opinion was that my experience "does not reflect reality". That decision is unreviewable for correctness either in facts or law. Except through Parliament to check the powers of the Judiciary as appropriate in a democracy.

I've been admiring your work on the floor of the House and look forward to our further communication prior to my serving every member of the House with the enforcement procedure to ensure that the principles and protections of the Charter are not removed by a Judiciary claiming absolute power over the people of Canada.

Yours sincerely,

Trevor Holsworth

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### 3 attachments



**Gmail - Petition for Parliament to check the Constitutionality of the Judiciary - Richard Cannings.pdf**  
69K



**Gmail - Speaker of the House - Rota.pdf**  
92K



**Letter to Holsworth from Speaker of the House March 9, 2023.pdf**  
205K



trevor holsworth <fundamentaljustice@gmail.com>

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## Failure in the Integrity of Canada's Democratic institutions

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trevor holsworth <fundamentaljustice@gmail.com>

Tue, Feb 21, 2023 at 4:00 PM

To: anthony.rota@parl.gc.ca

Anthony Rota  
Speaker of the House,

Canadian Judges claim not to be bound by the constraints on their authority by the Charter and refuse to allow the legitimate debate appropriate in a free and democratic State, to permit the appropriate checks and balances. When presented with the facts supporting this allegation the Minister of Justice made false and misleading statements regarding his duties and as an Attorney General refused to respond to the Enforcement Procedure of the Charter s 24(1). The refusal of the Executive to comply with the terms of our governing agreement, our Constitution creates a Constitutional Crisis. The principles of Parliamentary Sovereignty and Democracy dictate that Parliament speaking for the People are the Penultimate decision makers to legitimately resolve this issue to perform their role in the protection of the public interest for peace, order and good government.

I will be serving Parliament directly with the Enforcement Procedure of the Charter in the coming days and as the procedure laid out by the Ministry of Justice has been ignored by the Executive in an obstruction of Justice and denied by Judges in a breach of public trust I thought to communicate with you on the next most appropriate procedure.

A Parliamentary Petition on the matter didnt work the first time we tried in 2021, the sponsoring MP was approached by the Government and crossed the floor and never presented. The subsequent petition #3848 was completed on June 16, 2022 but never presented. Both of the associated MP's, being informed of the public concern, joined the rest of Parliamentarians in voting for the Judges Act, in conflict with the public interest and contradicting the claim that input from all stakeholders, including the public, had been considered. There was no public consultation and no interest in what the public had to say. I communicated with my MP, as well as the Official Leader of the Opposition and the Shadow Minister of Justice. I have communicated with the Leader of the NDP regarding his role, the NDP-Liberal confidence agreement was signed within a month of my communication with the Governor-General regarding her role, particularly within the framework of a minority government, where she is not obliged to accept the legal opinion of the Minister of Justice. So, I propose I serve you as Speaker of the House, for the House to fulfill it's democratic function to check the powers of the Executive and Judiciary. I could easily send the matter to all Members of Parliament directly or proceed in any other manner that you propose.

The Canadian Judicial Council receives over 600 complaints every year alleging misconduct by federal judges, Less than 0.1% of these result in a referral to council. The complaints that do make it through are mostly relate to allegations of sexual, racial, or drug misconduct. The reminder are dismissed by the gatekeeper as within the exercise of the discretion of the judge and a claim that discretion cannot be judged as conduct. In my own complaint the Judicial Council determined that Judges have discretion on their acceptance of the official record of trial, the transcript, the best evidence that any Canadian could provide. The current acceptable conduct of Judges includes calling the Plaintiff to the stand and asking her what she heard a judge say 6 months previously, and preferring that to the official court record, the transcript that I presented, to correct a lawyer committing fraud upon the Court with a fraudulent court order. I had also reported to the Court that a lawyer was not complying with a court order to provide monthly trust account statements but the Judge and the Judicial Council did not deem that to be a problem. I suggested to the Council that they reconsider but they did not change their perspective. I made a complaint regarding the Judge who dismissed my complaint but the gatekeeper responded that I was abusing the process.

If you cannot report criminal activity in a legal system you do not have a justice system you have organized crime, sanctioned by the State.

The duty of the Minister of Justice is to protect the public and, to ensure that administration of Justice is in compliance with the Law. Which it isn't, because I had served the Deputy AG's office by registered mail following the procedures set out by the Ministry of Justice and following the enforcement procedure of s24(1) of the Charter and requested that Parliament exercise it's jurisdiction over the conduct of judges, under section 99 of the Constitution. I received no response. A breach of the Charter. I wrote to the PM's Office and they forwarded the problem to Marco Mendicino acknowledging the public safety concern. I received no response.

## Evidence to assist the deliberation of Parliament

In the court system I presented evidence of failures in the Rule of Law throughout the Canadian Legal System and the problem of Judges claiming absolute unreviewable discretion and requested that they issue a writ of mandamus for the Minister of Justice to present this to Parliament. Justice refused to rule, failing the role of a Judge, s 80 c) of the Judges Act. I appealed to the BC Court of Appeal but they refused to allow debate on the matter. The Judiciary lacks the legitimate attributes to claim an ability to perceive the "public interest" and are willfully blind in their concept of what is "good behavior" for a judge, section 99 of the Constitution, and fatally flawed in their determination of what a "fair-minded and informed observer would consider to be incompatible with the due execution of judicial office." as defined by section 80 d) in the Judges Act.

The established precedent is that "no-one can be a judge in their own cause". The rules for the judging of judicial conduct; "Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office?" and "Judicial independence exists for the benefit of the judged, not the judges. It is therefore to be assessed from the perspective of the reasonable observer and in light of the public interests it is meant to serve." It is obvious that the Judiciary are unable to resolve this matter internally, that is why Democracy has checks and balances and Parliament is the legitimate and constitutional body to perform the function of the examination of judicial conduct, speak democratically to the public interest, and they are the only body with the jurisdiction to provide the remedy required, to dismiss a judge, under s99 of the Constitution.

I presented a brief before the House of Commons Committee on Justice and Human Rights disclosing these problems and it was posted prior to the debate on the proposed Judges Act. I requested to be heard before the Committee on the same day as the man with the hearing impairment was selected. Before his presentation he was told that the Bill was going to pass, that the MP, a former crown prosecutor, had investigated the citizen, and then he was asked if he had anything to say. No mention was made of the issue I presented in the brief before the Committee. The Judge's Act is now before the Senate and I have informed the appropriate Senate Committees and every Senator of the problems I outline in this email.

I communicated with the Premiers of the Provinces and Territories in late December 2022 and a week later they requested a shake down from the PM for "health care funding".

The Ethics Commissioner in 2021 accepted my complaint regarding the conduct of the Minister of Justice improperly protecting lawyers and judges by refusing to respond to the enforcement procedure of the Charter.

The RCMP National Division Intake Unit has the "mandate to safeguard and investigate significant threats to Canada's political, economic and social integrity" concerning complaints about "federally elected members of Parliament." However, when I reported that the Minister of Justice was failing to respond to a Charter complaint to have judicial conduct examined by Parliament and provided them a copy of my Charter complaint, they wrote, "any future communications... unless solicited... will not be reviewed and will be destroyed."

The matter was presented as evidence to the Emergencies Act Inquiry and they acknowledged receipt on Dec 26, 2022.

I notified CSIS at the very end of 2022.

The AG's office refuses to respond to a Constitutional Question on the constitutionality of the AG refusing to respond to the Enforcement Procedure of the Charter and subsequently a Constitutional Question on the constitutionality of not responding to a constitutional question. Refusing to respond cannot be said to be in "good faith". The problem goes to the legitimacy of the Executive as they are in breach of the Constitution, meaning they are illegitimate. It also goes to the integrity of the Public Service as the Judiciary is the administrative head of the Public Service. The Judiciary claims not to be bound by their own documentation. How does any citizen trust a Public Service that claims that they can make up evidence to protect criminal activity? How does any citizen trust any Parliamentarian who does not protect the "public interest".

The problem with the Judges Act and the proposed reform, Bill c-9 is that there continues to be in the process, zero protection for the public. Despite claims to the contrary, there has been zero consultation with the public, whom the justice system purports to serve. The claim that the lay person process is an improvement is simply a fabrication. The process is; first, a screening officer removes some complaints and sends some to a reduced hearing panel which comprises only of judges. If that panel passes it, then it goes to a full hearing panel, where a lay person, may be included, from a list of any number ( including 0 ) and the only qualification for that position, besides not being a lawyer is that the Council appoint them. The previous Judges Act didn't include the full panel option so they added another step at the very end of the existing procedure and claimed the process is more efficient.

Parliament must assert its authority to maintain Parliamentary Supremacy, protect Democracy, and work to re-establish trust and the rule of law for Canadians. Denial is destructive. Free and legitimate debate is how democracy is protected. Unfortunately for the integrity of the impartiality of Parliament the Judge who initially created this problem had previously had his fitness as a Judge debated in the House, when in 1999 he declared the law on child pornography to be



unconstitutional and MP's were determined for his removal however they folded their resolve to comply with the Minister of Justice pleadings to allow the Justice system to internally regulate.

Is this the Canada we leave to our children?

No Canadian will trust a justice system that cannot determine right and wrong between accepting the transcript and soliciting perjury. A Judge that supports a claim of absolute power is not fit to be a judge in a democracy. A legal system that fails to protect the integrity of our governing agreement is not fit for purpose. Parliament must perform its constitutional duty for Peace, Order and Good Government.

I have done my very best as a Canadian citizen to communicate at all times with the appropriate authorities following the law and procedures. Nobody is above the law in a democracy. We are equal and have a right to face our abusers and see justice done in a fair and impartial tribunal complying with constitutional and democratic values. These are human rights that are enshrined in our Constitution and represent the values that Canadians share. There is a path forward to restore trust. Canada will be a better place for our efforts.

Trevor Holsworth

[www.fundamentaljustice.com](http://www.fundamentaljustice.com)

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### 3 attachments



**CJCPigeon-Shaw'JudicialDiscretion'\_20201009\_0001.pdf**  
641K



**NoticeOfConstitutionalQuestion.pdf**  
63K



**attorneygeneralapplicationtoparliament.pdf**  
41K



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

THE SPEAKER  
LE PRÉSIDENT

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OTTAWA, CANADA  
K1A 0A6

March 9, 2023

Mr. Trevor Holsworth  
Email: [fundamentaljustice@gmail.com](mailto:fundamentaljustice@gmail.com)

Dear Mr. Holsworth:

I am writing in response to your email of February 21, 2023.

As Speaker, I preside over the proceedings of the House of Commons. In my role, I interpret parliamentary rules, maintain order and decorum, and act as the guardian of the rights and privileges of the House and its Members.

The matter you have raised in your email does not fall within my purview as Speaker of the House of Commons.

Sincerely,

A blue ink signature, appearing to be 'AR', written in a cursive style.

Hon. Anthony Rota, M.P.



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## Submission to the Committee on Legal and Constitutional Affairs

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trevor holsworth <fundamentaljustice@gmail.com>

Mon, Dec 12, 2022 at 1:47 AM

To: lcjc@sen.parl.gc.ca

I provide the following documents for the general information for the Committee as well as specifically in the context of the upcoming debate on the Judges Act.

The House of Commons Committee on Justice and Human Rights was also informed, although I didnt see any mention in the Committee reports or Parliamentary debate prior to the passing of the bill which was disappointing given the seriousness of the matter but I suspected it might happen. The House of Commons itself is historically implicated. In 1999 Parliamentarians of all political parties complied with the wishes of the Minister of Justice Anne McLellan and allowed Judge Shaw to remain on the bench after he declared the law on child pornography to be unconstitutional for breaching freedom of expression.

Everyone wanted Judge Shaw gone, everyone. Except the Minister of Justice.

Then when I appeared before Judge Shaw with the transcript to prove a lawyer obstructing justice and creating a fraudulent court order the Judge requested the plaintiff provide evidence he knew was perjury because he had the transcript but preferred the perjury to protect the lawyer. The Canadian Judicial Council approved of the conduct of the Judge. Justice Pigeon authorized the claim of Canadian Judges having absolute power but a complaint regarding his conduct was called an abuse of process. I served the Federal Deputy Attorney General following the enforcement procedure in the Charter of Rights and requested that Parliament hear the matter but received no response. In the BC Court system I made requests for a writ of mandamus for the Minister of Justice to comply with his duty to protect the public and ensure that administration of Government is in compliance with the law. The Minister is in breach of the enforcement procedure of the Charter but Justice refused to rule on the request which is a failure for a judge to do their duty but a right to appeal to the BC Court of Appeal was denied

I hope that the Senators will be fully educated on the seriousness that Canadians view this situation of a Judiciary that claims absolute and unreviewable power and an Executive that is in breach of the enforcement procedure of the Canadian Charter of Rights and refuses to provide reasons requested through a constitutional question, clearly, not in good faith. Canadians clearly cannot trust the legal system. That failure of trust crashes through the Public Service affecting their legitimacy as well. Restoration of trust is going to be critical and a very important step. Denial just erodes the public trust further.

I am available for presenting these details to the Senators in person or by video conference to best answer any questions on how best to resolve the issue.

I do have some rather serious personal legal issues that are also caught up with this problem that I would like to resolve, which is clearly not possible within the legal system as it is currently not providing adequate protections to safeguard the public and me, in particular. I clearly cannot trust the legal system. There is nowhere else for me to turn. Telling me to return to the current court system is like sending an abused alter boy back to an abusing priest and demanding the boy request forgiveness for suggesting such a thing.

I need to get my passport returned as soon as possible so that I can see my father, he is 87

The Constitution needs enforcement in Canada. That is your role. The integrity of the conduct of the Senate is in your hands.

Yours sincerely,

Trevor Holsworth

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### 7 attachments



PremiersCouncil.pdf

45K

Evidence to assist the deliberation of Parliament



**briefforparliamentCOMPILATIONforWEBSITE.odt**

28K



**EthicsCommissionerMOJComplaint.pdf**

52K



**Gmail - Office of the Prime Minister \_ ref to MOJ & MPS March 4, 2022.pdf**

82K



**Gmail - Office of the Prime Minister \_ August 22-2022.pdf**

75K



**Gmail - Office of the Prime Minister \_ July 28-2022.pdf**

74K



**NoticeOfConstitutionalQuestionJudgesActKeiraLaw.pdf**

104K



## **Proposal for Judicial Reform**

Part 1. The role of Parliament – Legislate to create Peace, Order and Good Government. Provide Order through the legitimate checks on the Executive and Judiciary according to the doctrine of the separation of powers to ensure the correct balancing of interests to prevent abuse of power by any branch of government to properly represent the public interest in a democracy. This is Good Government. Without the proper balance tyranny results and Peace is unattainable.

Part 2. The Constitutional Requirements. The constitution states that Judges have authority during “good behavior” and can be removed only by Parliament. The rule of law and equality before the law is a constitutional and democratic requirement along with fair and impartial trials and fundamental justice.

Part 3. The Legislation of the Judges Act. Defines “good behavior” as ...

Part 4. The legitimacy of the judging of the judiciary.

Part 5. Proposal for reform

Part 6. Rebuilding Trust

### **Part 1. The Role of Parliament**

Parliament has the Authority through the Constitution, section 91 to Legislate to create Peace, Order and Good Government.

Legislation provides Order through the legitimate checks on the Executive and Judiciary according to the doctrine of the Separation of Powers to ensure the correct balancing of interests to prevent abuse of power by any branch of government to properly represent the Public interest in a Democracy. This is Good Government. Without the proper balance tyranny results and Peace is unattainable.

“Follow the golden rule. Doing unto others as you would have them do unto you is a determinant and test of trust.

Personal trust is measured...by generosity and the degree to which people believe they can count on someone else in times of trouble. We are happier when we know we live in a society in which people care for one another and show that caring through their generosity and being there with support when other fall on hard times.

The conclusion is clear: happy societies are trusting societies- both socially and institutionally – and trusting societies are happy societies.”

David Johnston

### **Part 2. The Constitutional Requirements regarding Judicial Conduct**

The Constitution s99 states that Judges have jurisdiction and authority during “good behavior” and can be removed only by Parliament. The Rule of Law and Equality before the Law are further Constitutional and Democratic requirements, along with Fair and Impartial trials and Fundamental Justice as guaranteed in the Charter of Rights, which must be satisfied prior to the removal of any rights, unless that removal can be demonstrated to be justified in a free and democratic country.

Section 99 “judges of the superior courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.”

### **Part 3. The Legislation of the Judges Act.**

## Removal from Office

### Justification

80 For the purposes of this Division, the removal from office of a judge is justified only if, for any of the following reasons, the judge's continuation in office would undermine public confidence in the impartiality, integrity or independence of the judge or of their office to such an extent that it would render the judge incapable of executing the functions of judicial office:

- (a) infirmity;
- (b) misconduct;
- (c) failure in the due execution of judicial office;
- (d) the judge is in a position that a reasonable, fair minded and informed observer would consider to be incompatible with the due execution of judicial office.

The test created by Judges for the examination of their conduct

"Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office?"

and with this provision in mind,

"Judicial independence exists for the benefit of the judged, not the judges. It is, therefore, to be assessed from the perspective of the reasonable observer and in light of the public interests it is meant to serve."

## **Part 4. The Legitimacy of the Judging of the Judiciary.**

The process could be simply resolved by acknowledging that in a Democracy the Judiciary are legitimately examined by the Public. It must be admitted that judicial conduct cannot be legitimately performed by Judges as "no-one can be a judge in their own cause". The conflict of interest and implicit bias without checks and balances is admitted in law as being illegitimate. "A reasonable apprehension of bias exists when a reasonable, well-informed person, viewing the matter realistically and practically, and having thought the matter through, would conclude that it is more likely than not that the member, whether consciously or unconsciously, would not decide fairly."

The judging of judicial conduct does create precedent and defines the bounds of "good behavior" and so a rigorous system must be established. It should be a court process and not a "panel", unless the Ministry of Justice is moving away from the adversarial system in its administration of justice, judicial conduct must be judged equally, to that of citizens.

The Judiciary is such an important function in our democracy we must treat the process with the highest regard and with the protection of the public as the ultimate goal. We will create a system of accountability that will be the model for the world. This is what Canada stands for, what the people of Canada believe is our national aspirations. It is our opportunity to give something enormously powerful to Canadians that will create a better world.

In regards to Judicial Independence the principle exists to protect the public from undue influence being brought to bear on Judges by illegitimate means of the Executive, Parliament or other nefarious means. It does not exist to protect Judges from the legitimate and constitutional checks and balances of the principle of separation of powers.

According to convention it is the Minister of Justice that is supposed to present a request for

removal of a Judge to Parliament and can do so for his own legitimate reasons or through the recommendations of the statutory body, the Canadian Judicial Council. The council as currently manifested is an outdated system designed to insulate the Judiciary from improper influence by the Executive for the reasons of the separation of powers. The invention of a screening officer in the Judicial Council's regulations, is nowhere authorized by the Judges Act and has been used to remove legitimate complaints from scrutiny and the public has no means to examine the process as the Judicial Council is exempted from the Freedom of Information Act.

Currently the Judiciary claim that their discretion cannot be examined and they exclude it from the examination of conduct. However that is not the legal standard.

“there is no such thing as absolute and untrammelled discretion” R v Roncarelli [1959]

“fraud and corruption are always the exception” Constitutional Law by Peter Hogg

“we are judges. When we sit in judgment, we are subject to judgment.” A Judge in a Democracy by Aharon Barak, Chief Justice of the High Court of Israel

We must remember that we are here to protect the innocent, and empower the weak to protect against the powerful. That is the source of all legitimacy.

Perhaps it would be helpful to work backwards and take some examples of judicial conduct that we can agree are grounds for removal and check to see if the process would function as intended.

### **Part 5. Proposal for reform**

The current proposed “panel” in bill c-9 does not promote equality under the law or a fair and impartial trial, so does not comply with the Charter

A Grand Jury would be a just solution.

The Jury would be created on a rotating basis of 3 groups of 4 citizens serving for one year and would take responsibility for the acceptance of judicial complaints, screening according to a defined and legal criteria, investigation, court process, decision, and a right to appeal that decision to Parliament as the final authority. During service, members of the Jury would be paid at the equal rate to that of Judges. To ensure the protection of the doctrine of separation of powers the judiciary, lawyers, public servants, and politicians (federal, provincial and municipal) would be not permitted to serve on the Grand Jury. A range of sanctions should be available and just as in the judging of citizens the Charter legal rights are protected, the presumption of innocence, fundamental justice and a right to a fair and impartial trial. The Grand Jury would make recommendations to Parliament which has the sole authority to complete the process.

The process is legitimate as it is procedurally and substantially legal and just and would create a more educated, involved and empowered citizens and therefore democratically a positive step to restore trust.

### **Part 6. Rebuilding Trust**

The eminent Canadian David Johnston has already written on the steps to create Trust: Create a Trustworthy and Trusted Country

One. Recognize a present peril

Two. Trust is built, when we invite people to dance and not when we invite them merely to the dance.

Three. Apologize. Expressing regret is a necessary first step on a long journey to restore trust.

Four. Honour and cherish our teachers....fairness...empathy....humility.

Five. Be a knowledge diplomat. Sharing knowledge across academic disciplines, cultural barriers, and political borders is the surest way to promote peace, spread prosperity, and built trust among all the people of the world.

Six. Start Now. Each of us can begin strengthening trust and, with our actions, make our country better.

**Further Inspiration to do the right thing.**

“Each of us take meaningful action now to make ourselves more worthy of trust, and to restore trust in the communities in which we live, the businesses and organization in which we work, and the public institutions in which we serve....each of us can carry out our foremost duty as citizens of this country – we can build a better Canada.”

Remembering that it is our duty to leave this world, a better place:

‘To children, who offer their trust instinctively and with full expectation of fairness’  
David Johnston

“One of the most important challenges of our day – how to maintain trust in ourselves and our institutions.”

“Trust in most democracies is decreasing. Yet without trust our democracies cannot function effectively.”

“how we can restore trust, by making ourselves worthy of trust, by building trust around us and by creating a more trustworthy and trusted country.”

“We sometimes feel that our individual actions cannot make a meaningful and lasting difference in the complex world we inhabit”

“Every one of us, high or humble, can work to increase trust in ourselves, our society, and our country.”

Right Honourable Beverley McLachlin, Former Chief Justice of the Supreme Court of Canada.

“Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary.”

Reinhold Niebuhr

“Authority, unless justified, is inherently illegitimate and that the burden of proof is on those in authority. If this burden can't be met, the authority in question should be dismantled.”

Noam Chomsky

“A proper balance will not be achieved when national security is afforded full protection, as if there were no human rights. The balance and compromise are the price of democracy. Only a strong, safe, and stable democracy may afford and protect human rights, and only a democracy built on the foundations of human rights can have security...”A delicate and sensitive balance is necessary. That is the price of democracy. It is expensive but worthwhile. It strengthens the state. It gives it a reason to its fight”

Aharon Barak

“to make justice visible in the land, to destroy the wicked person and the evil-doer, that the

strong might not injure the weak.”

The Code of Hammurabi 1754 BC

Parliament is in a very unique situation as there is a member of the public communicating directly with this democratic institution alleging breaches of the Constitution by the Executive and Judiciary and willing to contribute in the restoration of that breach to improve the public's trust in our democratic institutions. But the reality is that no-one really wants to hear from me because you would all feel better if I would just go away and let everyone pretend that everything is just fine and continue doing whatever we were doing for years and years. but everything is clearly not fine and the legal system has been informed, knowing these facts and ignoring them is a breach of their ethical duty to improve the legal system but worse than that lawyers in the Public Service are actively obstructing justice and refusing to respond to the enforcement procedure of the Charter, improperly protecting lawyers and judges. I am not going away. The remedy for a breach of the Charter is the restoration of that breach. If lawyers had complied with the Charter you would have in your hands a properly researched and written Judges Act to attempt to restore the public trust but instead you see more evidence of what the public experiences, denial and breaches of the public trust from our Country's most trusted advisors. The current legal advice of the government is that they are not bound to comply with the Charter and a refusal to justify their position. A claim that they are above the law.

Trevor Holsworth





trevor holsworth <fundamentaljustice@gmail.com>

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## Current problems with Responsible Government

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trevor holsworth <fundamentaljustice@gmail.com>

Tue, Oct 26, 2021 at 5:14 PM

To: info@gg.ca

I watched the signing-in ceremony with great interest this year and noted that Minister of Justice David Lametti retains his position within the Executive of Government. This presents a problem in the administration of Justice and presents a problem for the Governor-General when the Government is acting contrary to the Constitution.

I wrote to your office a year ago about the problem of the Canadian Judicial Council claiming judges have the discretion to reject the transcript if they want. Thank you for your return correspondence at that time.

Since that time I have served the Minister of Justice, David Lametti through the Deputy Attorney General's office with a Charter complaint to bring Parliament to the attention of the matter of the Judiciary claiming a power that is unconstitutional.

The Judiciary is bound by the Charter of Rights to provide fundamental justice, and fair and impartial trials in criminal matters and guaranteed in the bill of rights s 2 e) "the right to a fair hearing in accordance with the principles of fundamental justice...." This is obviously not happening if judges can disregard the best evidence that any Canadian could provide.

Unfortunately, David Lametti has refused to respond to the Charter complaint.

I attended court and presented the Attorney General's office with a Notice of Constitutional Question in this regard and they refused to respond.

This is an obstruction of Justice at the highest levels.

I made a complaint to the Parliamentary Ethics Commissioner, which I attach for your information. Unfortunately, it appears that they have no duty to make their report public and I have heard nothing more since they accepted the complaint.

My understanding is that through the Constitution Act 1867 The Governor General has the following responsibilities, amongst others.

38. The Governor-General shall from Time to Time, in the Queen's name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.
54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any tax or Impost, to any Purpose that has not been first recommended to that House by Message of the Governor-General in the Session in which such Vote, Resolution, Address, or Bill is proposed.
55. Where a Bill passed by the Houses of the Parliament is presented to the Governor-General for the Queen's Assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to her Majesty's Instructions, either that he assents thereto in the Queen's Name, or that he withholds the Queen's Assent, or that he reserves the Bill for Signification of the Queen's Pleasure.

I am suggesting that because the Liberal Party has a minority Government the Governor General should parogue Parliament and compel the Minister of Justice to present the Charter complaint to Parliament. Failing to do so is contrary to the Charter and thus unconstitutional. The Governor General should refuse assent to any law until this matter is resolved. It is in your power to enforce the Constitution.

I quote from Constitutional Law of Canada by Peter Hogg. I am sure there are other perspectives to consider but this is one.

"9.6 The Office of the Governor General's personal prerogatives

(a) The principle

The Governor General has certain "personal prerogatives" or "reserve powers" which he or she may exercise upon his or her own personal discretion. Whereas in the exercise of governmental powers generally the Governor General must act in accordance with the advice of the Prime Minister or cabinet, there are some occasions on which he or she may act without advice, or even contrary to advice.

The definition of those occasions when the Governor General may exercise an independent discretion has caused much constitutional and political debate. But it is submitted that the basic premise of responsible government supplies the answer: so long as the cabinet enjoys the confidence of a majority in the House of Commons, the Governor General is always obliged to follow lawful and constitutional advice which is tendered by the Cabinet.

But there are occasions, as we have seen, when a government continues in office after it has lost the confidence of the House of Commons, or after the House of Commons has been dissolved. There are also occasions, for example, after a very close election, or after a schism in a political party, where for a period it is difficult to determine whether or not the government does enjoy the confidence of a majority in the House of Commons. In all these situations it is submitted that the Governor General has a discretion to refuse to follow advice which is tendered by the ministry in office.

When a government is in office without the support of the House of Commons, there are the makings of a constitutional crisis: not only can the government not secure the passage of any legislation, it cannot even secure parliamentary approval of supply to meet government expenditures. The crisis can be resolved or averted by a new election or by the resignation or dismissal of the Ministry. But the ministry in office which lacks the support of the House of Commons and which stands to lose most by the resolution of the crisis, is not the fittest group to determine the mode of resolution of the crisis. It is true of course that the Governor General has even less of a political base than the ministry in office, but it is for this very reason that the Governor General may reasonably be trusted to set aside partisan considerations and act impartially in the interests of the country as a whole. In this situation the role of Governor General is somewhat akin to that of a judge – another non-elected official to whom we readily entrust large powers in the expectation that they will be exercised impartially.

#### c. Dismissal of Prime Minister

the second reserve power of the Governor General is the power to dismiss the Prime Minister. The dismissal of a prime minister automatically involves the dismissal of the entire ministry."

"When does the power of dismissal arise?.....Could the Governor General dismiss a ministry because he or she believed its policies to be illegal?

I communicate with you with respect for the powers of your office to compel a Government to operate within the rule of law and the constitution. I should not have to have taken this message this far, but I will go further if necessary.

I remain bound to the Charter as a citizen of Canada.

Yours sincerely,

Trevor Holsworth.

more information is available at [www.fundamentaljustice.com](http://www.fundamentaljustice.com)



**EthicsCommissionerMOJComplaint.pdf**

46K



trevor holsworth <fundamentaljustice@gmail.com>

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## Current problems with Responsible Government

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trevor holsworth <fundamentaljustice@gmail.com>

Mon, Mar 7, 2022 at 9:43 AM

To: info@gg.ca

I know that your office has been extremely busy however I sent this email on October 26th, 2021 and your website says to expect a reply within 3 weeks and now it is now 4 months. This is a very very important issue that requires resolution in accordance to the law. Part of this matter is before the courts at this time and causing a general collapse of law and order. Leadership at the highest level is required at this time. I hope that the Prime Minister has disclosed these events to her Majesty the Queen in his recent visit. If he has not I would expect that it would be relevant for your office to inform the Queen of these events and ensure that your office is in agreement with her office in accordance with the law. To complete the communication it would be important that I am informed of the communications. Thank you for your attention to this matter.

Yours sincerely,

Trevor Holsworth

[Quoted text hidden]



**EthicsCommissionerMOJComplaint.pdf**

46K



Trevor Holsworth <trevor.holsworth@gmail.com>

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## Office of the Prime Minister / Cabinet du Premier ministre

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**Prime Minister/Premier Ministre** <PM@pm.gc.ca>  
To: "trevor.holsworth@gmail.com" <trevor.holsworth@gmail.com>  
Cc: "David Lametti, P.C., M.P." <mcu@justice.gc.ca>

Mon, Nov 16, 2020 at 11:55 AM

Dear Mr. Holsworth:

On behalf of Prime Minister Justin Trudeau, I would like to acknowledge receipt of your correspondence.

Please be assured that your comments have been carefully reviewed. In your correspondence, you raise an issue that falls within the portfolio of the Honourable David Lametti, Minister of Justice and Attorney General of Canada. I have therefore taken the liberty of forwarding your email to Minister Lametti for information and consideration.

Thank you for taking the time to write.

J.P. Vachon  
Manager/Gestionnaire  
Executive Correspondence Services  
for the Prime Minister's Office  
Services de la correspondance  
de la haute direction  
pour le Cabinet du Premier ministre

>>> From : [trevor.holsworth@gmail.com](mailto:trevor.holsworth@gmail.com) Received : 15 Nov 2020 02:57:37 PM >>>

>>> Subject : PM Web Site Comments - Justice and Attorney General of Canada >>>>

Subject/Sujet : Justice and Attorney General of Canada

Date : 2020/11/15 7:57:35 PM

First Name/Prénom : Trevor

Last Name/Nom : Holsworth

E-Mail/Adresse électronique : [trevor.holsworth@gmail.com](mailto:trevor.holsworth@gmail.com)

Address/Adresse : Box 406

City/Ville : New Denver

Province : British Columbia

Postal Code/Code postal : v0g1s0

Telephone/Téléphone : (250) 551-6940

Comments/Commentaires : I have been attempting to communicate with the Attorney General of Canada Mr David Lametti regarding problems with the administration of justice and getting zero response. There is a substantial breach in fundamental justice in the administration of Justice which poses a problem for all Canadians. The Canadian Judicial Council claims that federal judges have discretion to disregard the transcript of trial if they wish, like if they have the evidence of the plaintiff testimony on what she heard the judge say 6 months previously. I have pointed out to the CJC and to the Attorney General the problems that this has with 'fair and impartial' and 'fundamental justice'. The desire to protect ones colleagues is of course admirable however when it compromises every ethical position it causes more damage than resolving the situation. I have submitted a charter of rights claim, it has been received ( but ignored ) and requested that parliament to resolve the situation of judges claiming constitutional authority that does not belong to them. They do not have the right to dispense arbitrary justice and they do not have the right to claim the power of the gods - that their word is better than the transcript of trial. It is abusive on the same level as priests abusing little boys - and the government treatment of the situation, ignoring the problem is the same as the clergy closing ranks and ignoring the situation. I did also send briefs to the Parliamentary Committee

## Evidence to assist the deliberation of Parliament

on Justice and Ethics but they were removed from the system and not distributed to the committee members. I have attempted to communicate appropriately but ignoring me is abusive and shows a complete lack of integrity. I have also recently discovered that one of the transcripts of trial has also been altered which is interesting because I now have two transcripts of trial clearly demonstrating the attempt to remove evidence of wrongdoing. There is a well documented procedure to follow for resolution.





trevor holsworth &lt;fundamentaljustice@gmail.com&gt;

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**Office of the Prime Minister / Cabinet du Premier ministre**

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**Prime Minister | Premier Ministre** <PM@pm.gc.ca>

Fri, Mar 4, 2022 at 5:58 AM

To: trevor holsworth &lt;fundamentaljustice@gmail.com&gt;

Cc: Marco Mendicino &lt;ps.ministerofpublicsafety-ministredelasecuritepublique.sp@canada.ca&gt;

Dear Mr. Holsworth:

I would like to acknowledge receipt of your email sent to Prime Minister Justin Trudeau. I sincerely regret the delay in replying.

Thank you for taking the time to write. You may be assured that your comments have been carefully reviewed.

I have taken the liberty of forwarding your email to the Honourable Marco Mendicino, Minister of Public Safety, so that he may be made aware of your correspondence.

Once again, thank you for writing.

H. Clancy  
Executive Correspondence Officer  
/Agente de correspondance  
Executive Correspondence Services/  
Services de la correspondance de la haute direction

>>> From : trevor holsworth [fundamentaljustice@gmail.com](mailto:fundamentaljustice@gmail.com) Received : 21 Nov 2021 10:46:13 AM >>>

&gt;&gt;&gt; Subject : Fwd: Office of the Prime Minister / Cabinet du Premier ministre &gt;&gt;&gt;&gt;

Office of the Prime Minister,

I never did get a response from my email of Nov 21, 2020

'I think it important for me to state that given the seriousness of the matters that I bring up and my treatment thus far it is very fair for me to be extremely fearful of the governments lack of response. Why should I feel this way? I should feel safe. It is important to view this situation from my perspective.'

Your Minister of Justice, David Lametti's office has been properly served with a Charter complaint to bring to the attention of Parliament the matter of federal judges claiming powers that go beyond the limits provided for in the Charter of Rights. His failure to respond whatsoever with the charter complaint is an obstruction of justice, and brings the administration of justice into disrepute. It is illegal and unconstitutional. It is a breach of the Charter of Rights to fail to respond to a charter complaint. Your administration is claiming it is not bound by our governing document.

The Parliamentary Ethics Commissioner has been notified and has accepted the complaint.

I have attempted to notify the Parliamentary committee on Justice and Human Rights but a gatekeeper at that committee has refused to present my evidence to the committee.

The RCMP National Intake Unit tasked with the mandate 'to safeguard and investigate significant threats to Canada's political, economic and social integrity' has refused to investigate and threatened to 'destroy evidence' despite their mandate to 'investigate complaints concerning federally elected members of Parliament'

This matter is a failing from a matter of Judge Shaw's fitness as a Judge that was put before Parliament on February 2nd, 1999. Parliament was determined at that time to respond however based on the pleas from the then Minister of Justice Anne McLellan they permitted the Justice system to resolve the matter internally however the consequence of that is reverberating still and will destroy the integrity of Canada's Justice System unless immediate steps are taken to restore the integrity of the Charter of Rights, and that involves political leadership.

I submit the following quotes from Parliament from all sides of the political spectrum from 1999

## Evidence to assist the deliberation of Parliament

'It is important for Parliament to reassert its intention both with respect to the Charter and with respect to ....the criminal code'

'We have a duty to protect citizens.'

'As legislators we have an obligation to conduct ourselves in a manner that respects the rule of law. This is the highest court in the land.'

'The people of Canada assume that the House of Commons is the supreme power in the country. Under this Justice Minister.....the government has allowed the courts to become the lawmakers'

'the Charter of Rights and Freedoms is a legal instrument we have given ourselves to guarantee the fundamental rights and freedoms of everyone. This is an instrument we are proud of, and rightly so. It represents our core values.'

'In the final analysis who is on the hook if a judge screws up? It is the Prime Minister and the Justice Minister'

'I believe that in Canada we have a system where we have parliamentary supremacy. That means we have a responsibility. We cannot abdicate it and say that every question has to go to the Supreme Court. We can act here in the House.'

'The Minister of Justice is not defending the Rule of Law. She is undermining it today by refusing to assert the sovereignty of this Parliament to defend innocent children.'

'The whole issue of trusting the judicial process to address this tragic situation is wrong'

'If we are ever going to send a message to the Judiciary that Parliamentary supremacy over legislation is meaningful, and if the public at large is going to receive that message as well, there is no better time to use this than at a time when something so offends the common sensibilities of people'

'They place greater emphasis on the importance of the authority of judges as opposed to those of us who place greater emphasis on the importance of the authority of Parliament. It is a legitimate debate to have in a democracy.'

'This is not a political issue. I suspect and hope there are members of all parties who will support this motion this evening.'

'I call on my colleagues on all sides of the House to not impute motives to one another here but let us assert the sovereignty of this Parliament. We can act. The Constitution gives us the power to act and we must act. To do otherwise is to abdicate our fundamental democratic responsibility.'

'I point out that what distinguishes our society from non-democratic societies is the rule of law. There is no question that no one in the House today has indicated anything but abhorrence for the decision of the Chief Justice of the British Columbia Supreme Court'

'Mr Speaker, I rise on a point of order. Based on an earlier decision of a vote in the House, may I recommend we close this place and let the judges and courts run this country.'

I also had the good fortune to read Trust by the former Governor General of Canada. I just include a summary of quotes from the Introduction, foreword, and first Chapter. The message is clear.

Twenty ways to build a better country

by David Johnston

28th Governor General of Canada

'To children, who offer their trust instinctively and with full expectation of fairness'

Foreword by the Right Honourable Beverley McLachlin, former chief justice of the Supreme Court of Canada.

"One of the most important challenges of our day - how to maintain trust in ourselves and our institutions."

"Trust in most democracies is decreasing. Yet without trust, our democracies cannot function effectively."

"how we can restore trust by making ourselves worthy of trust, by building trust around us and by creating a more trustworthy and trusted country."

"We sometimes feel that our individual actions cannot make a meaningful and lasting difference in the complex world we inhabit. This book puts the lie to that feeling. It demonstrates that every one of us, high or humble, can work to increase

## Evidence to assist the deliberation of Parliament

trust in ourselves, our society, and our country.

Introduction - An invitation to trust

Trust as a firm belief in the reliability, truth or ability of someone or something; or the acceptance of the truth of a statement without proof.

Trust is the bedrock of democracy. Democracy....depends on a rule of law that strives toward justice. That rule of law depends on trust-a trust in each other as citizens and a trust between citizens and the institutions that stand for and serve them.

Trust in these relationships means sharing a belief in basic facts. People who trust are reluctant to tailor facts to their views, instead of their views to the facts.

If one does not consider anything to be true, if one believes facts are fungible commodities, if one thinks journalism is a sham and history a con, then the rule of law cannot work. And if the rule of law cannot work, then our democracy and its institutions are doomed.

We tend to think little about trust because it is a curious quality that is almost always more noticeable in its absence than its presence - as something much more likely to be lost than gained.

"Well placed trust grown out of active inquiry rather than blind acceptance" Onara O'Neill

Equipped with this understanding, we can then - with eyes wide open - identify, explore, and evaluate the attitudes, habits, and approaches that make a person trustworthy, that make a business, organization, or public institution trustworthy, and that make a country trustworthy.

Part 1 - Make yourself worthy of trust - Eight ways to think and act so that other people view you as trustworthy.

1. Never manipulate - trusting relationships depend on full, true, and plain disclosure and a commitment never to distort or deceive.

Full and true disclosure of relevant information in all aspects of a democratic society gives citizens the capacity to filter truths from falsehoods

An important distinction must be made between manipulation and persuasion. The worst leaders manipulate by failing to disclose vital information or by disclosing only the information that support their views, decisions and actions. The best leaders persuade in great part by being open about their motives and goals.

The urgent need for someone in authority to act in a way to preserve trust....., or at least prevent a substantial erosion of that trust.

Disclose fully and truly. Share credit. Accept responsibility. And, above all, never manipulate and certainly never deceive. I hope I have made myself clear.

I know that your father was instrumental in his efforts to bring the Charter of Rights to the people of Canada. Follow and extend your legacy by protecting your father's. The people will love you for it. There is much work to be done. I am available and I want to help to restore the integrity of your office, Parliament and the Justice system. Leadership is required.

I attach the communication with the Parliamentary Commissioner of Ethics, the United Nations, The Minister of Justice and the brief provided to the Parliamentary Committee on Justice and Human Rights. I am currently in the Court system and this situation is compromising the integrity of the RCMP, Crown Prosecution office, Judges, the MOJ, Parliament and your own office. The people are looking for your leadership.

Yours sincerely,

Trevor Holsworth

I have published the information at [www.fundamentaljustice.com](http://www.fundamentaljustice.com) to share with all Canadians.

On Sat, Nov 21, 2020 at 9:12 AM Trevor Holsworth wrote:

I think it important for me to state that given the seriousness of the matters that I bring up and my treatment thus far it is

~~Evidence to assist the deliberation of Parliament~~  
 very fair for me to be extremely fearful of the governments lack of response. Why should I feel this way? I should feel safe. It is important to view this situation from my perspective.

Trevor

[<https://ipmcdn.avast.com/images/icons/icon-envelope-tick-green-avg-v1.png>][http://www.avg.com/email-signature?utm\\_medium=email&utm\\_source=link&utm\\_campaign=sig-email&utm\\_content=webmail](http://www.avg.com/email-signature?utm_medium=email&utm_source=link&utm_campaign=sig-email&utm_content=webmail)> Virus-free.  
[www.avg.com](http://www.avg.com)<[http://www.avg.com/email-signature?utm\\_medium=email&utm\\_source=link&utm\\_campaign=sig-email&utm\\_content=webmail](http://www.avg.com/email-signature?utm_medium=email&utm_source=link&utm_campaign=sig-email&utm_content=webmail)>

On Mon, Nov 16, 2020 at 11:55 AM Prime Minister/Premier Ministre <[PM@pm.gc.ca](mailto:PM@pm.gc.ca)<<mailto:PM@pm.gc.ca>>> wrote:  
 Dear Mr. Holsworth:

On behalf of Prime Minister Justin Trudeau, I would like to acknowledge receipt of your correspondence.

Please be assured that your comments have been carefully reviewed. In your correspondence, you raise an issue that falls within the portfolio of the Honourable David Lametti, Minister of Justice and Attorney General of Canada. I have therefore taken the liberty of forwarding your email to Minister Lametti for information and consideration.

Thank you for taking the time to write.

J.P. Vachon  
 Manager/Gestionnaire  
 Executive Correspondence Services  
 for the Prime Minister's Office  
 Services de la correspondance  
 de la haute direction  
 pour le Cabinet du Premier ministre

>>> From : [trevor.holsworth@gmail.com](mailto:trevor.holsworth@gmail.com)<<mailto:trevor.holsworth@gmail.com>> Received : 15 Nov 2020 02:57:37 PM >>>

>>> Subject : PM Web Site Comments - Justice and Attorney General of Canada >>>>

Subject/Sujet : Justice and Attorney General of Canada

Date : 2020/11/15 7:57:35 PM

First Name/Prénom : Trevor

Last Name/Nom : Holsworth

E-Mail/Adresse électronique : [REDACTED]

Address/Adresse : [REDACTED]

City/Ville : [REDACTED]

Province : British Columbia

Postal Code/Code postal : [REDACTED]

Telephone/Téléphone : ( [REDACTED] )

Comments/Commentaires : I have been attempting to communicate with the Attorney General of Canada Mr David Lametti regarding problems with the administration of justice and getting zero response. There is a substantial breach in fundamental justice in the administration of Justice which poses a problem for all Canadians. The Canadian Judicial Council claims that federal judges have discretion to disregard the transcript of trial if they wish, like if they have the evidence of the plaintiff testimony on what she heard the judge say 6 months previously. I have pointed out to the CJC and to the Attorney General the problems that this has with 'fair and impartial' and 'fundamental justice'. The desire to protect ones colleagues is of course admirable however when it compromises every ethical position it causes more damage than resolving the situation. I have submitted a charter of rights claim, it has been received ( but ignored ) and requested that parliament to resolve the situation of judges claiming constitutional authority that does not belong to them. They do not have the right to dispense arbitrary justice and they do not have the right to claim the power of the gods - that their word is better than the transcript of trial. It is abusive on the same level as priests abusing little boys - and the government treatment of the situation, ignoring the problem is the same as the clergy closing ranks and ignoring the situation. I did also send briefs to the Parliamentary Committee

**Evidence to assist the deliberation of Parliament**

on Justice and Ethics but they were removed from the system and not distributed to the committee members. I have attempted to communicate appropriately but ignoring me is abusive and shows a complete lack of integrity. I have also recently discovered that one of the transcripts of trial has also been altered which is interesting because I now have two transcripts of trial clearly demonstrating the attempt to remove evidence of wrongdoing. There is a well documented procedure to follow for resolution.

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**4 attachments****EthicsCommissionerMOJComplaint.pdf**  
52K**briefforparliamentCOMPILATIONforWEBSITE.pdf**  
53K**UnitedNationsComplaint.pdf**  
3024K**correspondancewithAG-PM-MOJwithhighlights.pdf**  
195K





trevor holsworth <fundamentaljustice@gmail.com>

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## Office of the Prime Minister / Cabinet du Premier ministre

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trevor holsworth <fundamentaljustice@gmail.com>  
To: Prime Minister | Premier Ministre <pm@pm.gc.ca>

Mon, Aug 22, 2022 at 3:02 PM

As promised I am forwarding the court transcript from the BC Supreme Court of Dec 3rd 2021 where I outline the abuse of powers currently affecting the integrity of the Canadian legal system. I currently have a judge promising me that he will incarcerate me for 14 days despite full knowledge of the current problems and another judge claiming that he must "follow orders" and ignore argument and precedent even after acknowledging the abusiveness of the situation. The legal system does not have the consent of the governed as the people do not consent to being ruled outside of the constraints of the Charter of Rights. A valid argument and substantial evidence has been presented before the court regarding the failures in the rule of law within the crown prosecution/ag/moj office affecting the integrity of the administration of justice. A request for a writ of mandamus - an order of the court, for the Minister of Justice, to comply with his duty to protect the public and to ensure that the administration is in accordance with the law, has been ignored by the Court - in a refusal to submit to the examination of their discretion and compliance with the law. Unfortunately that refusal to submit causes a constitutional crisis because the Minister of Justice is refusing to respond to the enforcement procedure of the Charter, a claim to be above the law. The Government is not in compliance with the law and refuses to respond to a constitutional question regarding that conduct. This type of conduct cannot happen in a democracy, and yet it is happening right now, under your watch. You are the Prime Minister and that should mean something. There is a good opportunity here and two choices. The right one and the wrong one.

Trevor Holsworth  
[www.fundamentaljustice.com](http://www.fundamentaljustice.com)

----- Forwarded message -----

From: trevor holsworth <fundamentaljustice@gmail.com>


[Quoted text hidden]

[Quoted text hidden]

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### 3 attachments

 TrevorHolsworthFundamentalJusticeCourtOfAppealOriginatingDocument.pdf  
91K

 223285.Jul 14 22.Hearing\_FMEP.pdf  
449K

 CA48339\_TRANSCRIPT.pdf  
422K



trevor holsworth <fundamentaljustice@gmail.com>

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## Office of the Prime Minister / Cabinet du Premier ministre

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**trevor holsworth** <fundamentaljustice@gmail.com>  
To: Prime Minister | Premier Ministre <PM@pm.gc.ca>

Thu, Jul 28, 2022 at 2:54 PM

Following up on my email of 27th of July 2022 in regards to the problems in the administration of justice, the AG refusing to respond to the enforcement procedure of our governing document, the Charter which puts the Government into an illegal position which means that the public service is not operating within the law. I attach the appeal documents to the BC Court of Appeal which details the failing and the incapacity of the judicial system to resolve the matter before them. I also attach the transcript from a recent court hearing which details in more detail the abuse that I am being subjected to. I am waiting for the transcript from the hearing on December 3rd, 2021 which details my experience in the justice system and I will forward that to your office when I receive it next week. You may think that the administration of justice can resolve this matter but that is simply not the case. Judges obviously have a conflict of interest in the judging of their own conduct. It is established law that Parliament alone has the authority to provide the necessary checks and balances on the powers of the Judiciary. Your Minister of Justice is refusing to respond to the enforcement procedure, improperly protecting lawyers and judges obstructing justice instead of protecting the public, which is his legal duty. The Prime Minister is ultimately responsible for the conduct of his cabinet.

I urge you to resolve this matter for the reason provided by Lord Dicey, "Frequent use of unbridled judicial power contains the seeds of its own destruction because it will erode the perceived legitimacy of the judiciary"

Yours sincerely,

Trevor Holsworth  
[www.fundamentaljustice.com](http://www.fundamentaljustice.com)



Virus-free. [www.avg.com](http://www.avg.com)

[Quoted text hidden]

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### 2 attachments



**TrevorHolsworthFundamentalJusticeCourtOfAppealOriginatingDocument.pdf**  
91K



**223285.Jul 14 22.Hearing\_FMEP.pdf**  
449K



trevor holsworth <fundamentaljustice@gmail.com>

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## Office of the Prime Minister / Cabinet du Premier ministre

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trevor holsworth <fundamentaljustice@gmail.com>  
To: Prime Minister | Premier Ministre <PM@pm.gc.ca>

Sun, Feb 5, 2023 at 10:02 AM

I am writing to you again as my further communication with the Minister of Justice regarding his office's failure to respond to the enforcement procedure of the Canadian Constitution, the Charter and your forwarding the problem to the Minister of Public Safety has not resulted in any response.

At this time my understanding is that the conduct of the Executive is in conflict with the Constitution and there has been no defense offered and no communication at all, which can hardly be termed to be in good faith. On the basis of these facts Canadians must conclude that the Executive is in a Constitutional Crisis affecting the legitimacy of the government. Unfortunately as my efforts to confront this issue through the Canadian legal system has resulted in obstruction of justice and a refusal to even rule on the request for a writ of mandamus on the Minister of Justice to comply with his duty to protect the public and to ensure that the administration of government is in compliance with the law. This conduct by the Judiciary protecting the illegal conduct of the Executive is also clearly not in good faith, refusing to provide written reasons and effects Canadians relationship with the Judiciary, Executive, RCMP and the Public Service. I remind you that the Canadian Judicial Council claims that Judges can legitimately call upon the Plaintiff and request that she perjure herself to protect her lawyer committing fraud and can prefer that testimony to the official court record, the transcript. That is a claim of absolute power; that a judge's decision need not be based on verifiable facts.

I have all the evidence demonstrating a failure in the rule of law, the independence of the judiciary, separation of powers, fundamental justice, equality and basic human rights in Canada. This problem requires leadership not denial in order to comply with the constitutional requirement to provide peace, order and good government. I suggest that the Executive, Judiciary and myself should communicate and meet in person in order to resolve this situation in the best interests of the Canadian Public. There is much work to be done, denial is creating more problems than it solves.

I have presented the matter before the Parliamentary Committee on Justice and Human Rights however the lawyers on that committee ignored the problem entirely which led me to communicate with the Senate Committee on Legal and Constitutional Affairs and Canadian Senators directly as they prepare to debate the Judges Act which as written provides exactly zero rights for Canadians facing a Judiciary claiming absolute power and zero accountability or transparency. Canadians deserve to know the truth about the state of their "democracy". The Public Prosecution has decided to drop their legal action against me, based on the circumstances of this case, in the public interest.

I look forward to our continued communication.

Trevor Holsworth

[Quoted text hidden]



trevor holsworth <fundamentaljustice@gmail.com>

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## Public Submissions on the invocation of the Emergencies Act

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trevor holsworth <fundamentaljustice@gmail.com>  
To: perspectives@poec-cedu.gc.ca

Sat, Oct 22, 2022 at 12:47 PM

Thank you for the opportunity to submit evidence regarding the constitutional validity for the invocation of the Emergencies Act.

I believe that these communications played a role in the Government's decision to invoke the Emergencies Act.

The PM's office knows that his AG / MOJ David Lametti is refusing to respond to the Enforcement Procedure of the Canadian Charter s 24(1).

The Parliamentary Ethics Commission has been informed and has accepted the complaint, although now refuses to respond to further inquiries as to the progress of their investigation.

The PM's office when informed of the breach forwarded my email to the Minister of Justice, who, in his response, made false and misleading statements regarding his duties to the public and has refused further communication. When the PM's office was informed of this situation they forwarded the email to the Minister of Public Safety Marco Mendicino, who has not responded.

When I reported the situation to the RCMP anti-corruption squad National Division Intake Unit which has the "mandate to safeguard and investigate significant threats to Canada's political, economic and social integrity" concerning complaints about "federally elected members of Parliament". However when I reported that the MOJ was failing to respond to a Charter complaint to have judicial conduct examined by Parliament and provided them a copy of my Charter complaint, they wrote "any future communications...unless solicited...will not be reviewed and will be destroyed"

I attempted to communicate the situation to the House of Commons committee on Justice and Human Rights but a clerk at that committee saw fit to delete the comments from being submitted which is decidedly undemocratic. A single public servant preventing the legitimate debate before the People's House is an affront to Canadians and Parliament and effects the integrity of the Public Service, Ministerial and MP responsibilities. It is also probably illegal as an obstruction of justice.

When I presented this evidence before the Judiciary and requested a writ of mandamus for the MOJ to comply with his duty to enforce the law and ensure that the administration of Government is in compliance with the law, they refused to respond and refused to allow debate on the matter.

I attach the evidence to this correspondence. There is a great deal more but this will do for now.

Yours sincerely,

Trevor Holsworth

Attachments:

1. The brief for the Parliamentary Justice and Human Rights Committee
2. Complaint submitted to the Parliamentary Ethics Commissioner
3. Emails Communications with the Parliamentary Ethics Commissioner
4. Communications with the PM's office March 4th, 2022
- 5 Communications with the PM's office July 28th, 2022
- 6.Communications with the PM's office August 22nd, 2022
7. Notice of Constitutional Question presented to Court July 16th, 2021

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### 7 attachments

 **briefforparliamentCOMPILATIONforWEBSITE.pdf**  
53K

 **EthicsCommissionerMOJComplaint.pdf**  
52K



**EmailCommunicationswithETHICSCommissionerDION.pdf**

139K



**Gmail - Office of the Prime Minister \_ July 28-2022.pdf**

74K



**Gmail - Office of the Prime Minister \_ August 22-2022.pdf**

75K



**Gmail - Office of the Prime Minister \_ ref to MOJ & MPS March 4, 2022.pdf**

82K



**NoticeOfConstitutionalQuestion.pdf**

63K





trevor holsworth <fundamentaljustice@gmail.com>

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## Failure of Trust in our Democratic Institutions

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trevor holsworth <fundamentaljustice@gmail.com>

Thu, Aug 17, 2023 at 12:27 PM

To: Arif Virani <arif.virani@parl.gc.ca>

Arif Virani  
Minister of Justice

Mr Virani,

I write to you today in your role as Minister of Justice of Canada. My name is Trevor Holsworth and I live in British Columbia V0G 1S0.

Please correct me if I am wrong but my understanding is that the administration of Government is not in compliance with the law and the safety of Canadians cannot be guaranteed.

I properly served the enforcement procedure of the Charter upon the Deputy AG of Canada in March 2021 and despite reminders there has been no response except in the Provincial Court where Crown correctly noted that the CJC does not have jurisdiction. Public Prosecution has in writing refused to respond, that matter has been presented before Court in an abuse of process argument and been denied, which is a validation by the Judiciary that Crown can breach the Charter, our governing agreement, which represents a constitutional crisis.

Given that the Judiciary claims absolute and unreviewable discretion the situation cannot be resolved through the Court system. Numerous attempts have been made through the court system to have the Judiciary's claim of absolute discretion to be checked by the only court of competent jurisdiction to do so, Parliament. Despite evidence disclosing a failure in the rule of law through the legal and political system Judges claim my experience is merely a "conspiracy theory" and "does not reflect reality" although provided no evidence to support their opinion.

The Canadian Judicial Council claims that Judges may legitimately request the Plaintiff to testify to protect her lawyer committing fraud and prefer that lie to the best evidence that any Canadian could provide, the transcript. Given the circumstances I have to agree with the Chief Justice of the Supreme Court of Canada that "it is not possible for Canadians to have trust".

Unfortunately the Canadian Judicial Council is no longer responding to my phone calls or emails. A failure to respond is hardly an act of service to the public or a demonstration of good faith which would create trust in the legitimacy of this allegedly democratic institution. I wanted information on the roster of lay persons and to inquire why the Council was not complying with section 6.1 of their procedures. Without the authority of the transcript to prove anything there is no meaningful justice in court, no appeal system and no judicial conduct process.

I note that the Speaker and PROC have been notified of my intention to serve the enforcement procedure upon every single MP in the House of Commons to ensure that they properly complete their role to represent the public interest of peace, order and good government by enforcing the constitutional principles of democracy in accordance with the principles of the separation of powers. If you wish to communicate prior to that occurring the time to do so is now.

I am willing to work with you to restore trust in our democratic institutions. I look forward to our continued communications. The practice of denial is not in the best interest of Canada or Justice and only serves to protect politicians, lawyers and judges obstructing justice, a failure in the constitutional principle of the rule of law.

Trevor Holsworth  
[www.fundamentaljustice.com](http://www.fundamentaljustice.com)

Trevor Holsworth  
PO Box 406  
New Denver BC V0G 1S0

Niki Sharma  
Attorney General  
PO Box 9044 Stn Prov Govt  
Victoria, BC V8W 9E2

**COPY SENT BY REGISTERED MAIL**

26th February 2024

Dear Niki Sharma,

I note in your mandate letter, *"As Attorney General, part of your unique role is to ensure the rule of law is protected as a foundational principle in British Columbia"*

I have some concerns.

Firstly I understand that the BC Law Society is not protecting the public. I understand that your office purports that the Law Society is self-governing and the AG has no authority over their conduct. However that simply is not true. The BC Law Society is a creation of the BC Legislature and that body has the duty to ensure that the Law Society is complying with its statutory obligations. The BC Law Society refuses to discipline lawyers not complying with court orders and creating fraudulent court orders and refuses to provide written reasons as they are required by statute of the BC Legislature. I also note that recently a lawyer who was disciplined by the BC Law Society for money laundering has received no criminal charges, apparent to the public, due to his status as a lawyer.

If it is not your duty to report breaches of the Law Society Act to the Legislature then whose duty is it?

I note that you have received communications from the Office of the Premier, David Eby with evidence that the administration of government is not in compliance with the law. A Charter breach requires restoration of the breach. The Federal MOJ is refusing to respond to s 24(1) the Enforcement Procedure of the Charter, improperly protecting Federal Judges. The Canadian Judicial Council claims that judges have discretion to reject the transcript and prefer to call upon the Plaintiff to protect her lawyer committing fraud. Discretion implies choice between two or more legally permissible options, otherwise it is a Duty. Compelling British Columbians to attend a Court that does not respect the law and does not protect the public is abusive, and unconstitutional. This represents a failure in the rule of law throughout the legal system and cannot be justified in a free and democratic state. A Constitutional Question has been presented to your office but *"no comment"* is the only response provided in Court and a statement by Prosecution that Provincial Court Judges are not governed by the Canadian Judicial Council.

There is a Court Order on the Nelson Registry to provide Access to Court Audio that remains unfulfilled. Requests for accountability in the form of evidence of efforts to comply with the Order were rejected, *"I will not be providing evidence of our efforts to look for the tapes."*

I provided evidence to two judges regarding my efforts to access the Kelowna Registry to file and the denial of the Registry to acknowledge receipt and file, were ignored without comment. The conduct of the Registries is the responsibility of the Attorney General's office. I cannot access justice through the Court Registry given this evidence.

I have made two judicial conduct complaints regarding Provincial Court Judges to the Chief Justice Michelle Gillespie, acknowledged by fax receipt but no response from their office acknowledging receipt. The dates are August 25th and Dec 4th 2023. An online complaint was made and receipt acknowledged on February 22nd, 2024.

I cannot access justice as I cannot access the Court Registry. If I could, I can not assert or defend myself given that judges claim they can ignore all the evidence that I provide, including the transcript. A Federal Judge in the Supreme Court deemed this problem "irrelevant" and on appeal to the BC Court of Appeal my lived experience was characterized to be a "conspiracy theory. This does not reflect reality". The reality of this decision, relying on judicial deference, but supported by zero evidence, by the highest Provincial Court in British Columbia is a denial of the constitutional principle of the rule of law. The Judiciary is asserting that allegations of failures in the administration of justice by lawyers, judges, police and registries will never be admitted no matter what the evidence, including the transcript and denial of access to court audio. This is the state of justice in British Columbia, and the Supreme Court of Canada has denied access to the constitutional right of habeas corpus to resolve the matter.

The evidence is irrefutable. I was imprisoned arbitrarily by a Provincial Court Judge, denied a fair and impartial trial, all my evidence was ignored, no right to appeal and with the full knowledge of the Provincial Prosecutor of the abusive nature of the Trial, including denial of service to me, by all lawyers BECAUSE I made allegations of misconduct in the legal system.

The judge did not show up to render her decision on the writ of mandamus on David Lametti on Feb 14th 2022. Instead the Minister of Justice invoked the Emergencies Act.

Your mandate letter from David Eby includes the following,

*"Federal partnerships and resources will be particularly important and, on behalf of our government, you will engage with the federal government on advancing priorities to improve the lives of British Columbians. As a Cabinet, we will uphold the highest standards of ethics, collaboration, and good conduct in service of the public, and as a Minister of the Crown, you are expected to review, understand, and act according to the Members' Conflict of Interest Act. You will establish a collaborative working relationship with your Deputy Minister, and the public servants under their direction, who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities. Your Minister's Office must meet the highest standards for integrity and provide a respectful, rewarding environment for all..."*

I look forward to your response knowing that protection of the Public and Constitutionality is your core responsibility. Failing a response I will serve the Enforcement Procedure of the

Charter directly upon the BC Legislative Assembly as the Court of Competent Jurisdiction to resolve matters of the BC Law Society failing to protect the public.

Thank you for your attention to this matter that concerns all British Columbians.

Trevor Holsworth

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Niki Sharma  
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Victoria, BC V8W 9E2

**COPY SENT BY REGISTERED MAIL RW 785 102 510 CA**

June 14, 2024

Dear Niki Sharma,

In addition to not having received a response to my last registered letter RN 623 044 156 sent on 26th February 2024 I have more disturbing news to bring you.

I made a complaint regarding the conduct of a Provincial court judge who agreed with the Crown lawyer that he could ignore the charter if it was “a narrow issue” including one for incarceration. I have been in correspondence with a lawyer at the office of the Provincial Chief Justice and he claims that there is nothing wrong with that but I have requested that confirmation occur at the level of the Chief Justice as required under Statute. I have not received a response and they are not responding to further communications because they are in breach of their constitutional and statutory requirements. A similar problem is occurring at the Canadian Judicial Council.

I understand that you will respond with a claim that judicial independence requires that you not get involved but that isn't at all true. The Executive has a duty to check the Judiciary, alongside the Legislature. The principles of fundamental justice apply as they do with every Canadian. The Executive has the responsibility for investigation and laying charges and Parliament has the duty to Judge judicial conduct in their ultimate act of responsible government to protect the people from corruption in the Judiciary or other improper individual conduct.

Furthermore you should be made aware that the Judiciary has determined that allegations of lawyer or Judicial or Executive misconduct can all be eliminated at the Supreme Court level as “irrelevant” and in the BCCA as “conspiracy theories” and full denial without evidence or explanation. The fact that their own accountability is being requested at the same time certainly leaves the public with certainty that Judges cannot judge their own conduct with the good faith that their office demands. Any reasonable and well informed person can clearly witness that there is a conflict of interest. The Legislature is the correct body to present this corruption problem and you are the responsible public official whose duty it is to inform the people's representatives to the threat to the public interest.

You are aware of the problem because I informed your office by constitutional question in June of 2021 informing you of the failure of the Federal MOJ to properly protect Canadians according to his duty. I also communicated with your office more recently in August 2023 on the constitutional question regarding the Judges Act, in which your office, “declined to participate”. The judge at trial did not present any evidence to support the constitutionality of the Judges Act and the Provincial Court has no jurisdiction to do so in any event. But the constitutional question has been asked and no response has been received.



I understand that you have received confirmation that the Federal Minister of Justice failed to respond to the enforcement procedure of the Charter and that the Premier of BC David Eby have also been informed.

The official position of the BC AG presented to Court on July 16<sup>th</sup> 2021 to that problem was “no comment” which ultimately led to a mistrial and the subsequent dropping of charges in the “public interest” by the PPSC although with the same evidence the Provincial Crown under your leadership apparently sees no conflict with the public interest.

In my email communication I attach the brief submitted to the Federal Court of Appeal in regards to the enforcement of the Emergencies Act by the Federal Government. The evidence demonstrates that David Lametti's assertion at POEC that his legal advice was presented in “good faith” was false and that he made false and misleading statements to me as to his duties which were intended to obstruct justice to improperly protect judges.

Your duty is the same as the Federal MOJ, to protect the public and ensure that the administration of justice is in compliance with the law. The evidence clearly demonstrates that both is not occurring in British Columbia and in Canada.

As the AG has legislated to assert control over the conduct of the BC Law Society by government controlled actors I can no longer trust the service of lawyers as it is apparent that lawyers that speak out against the government conduct could be disciplined and removed. The judiciary asserts that they can ignore all the evidence that I can provide including the transcript to correct the conduct of lawyers.

Under this regime British Columbian's have no means to protect or assert themselves in the legal system and no reasonable and well informed person could trust that they would be treated fairly and impartially or in accordance with fundamental justice.

No defence has ever been presented to dispute these facts or the implications at law.

The Chief Justice of the Supreme Court of Canada Richard Wagner spoke on June 3<sup>rd</sup> 2024 stating that “justice system is not just a service...It is a human need. People need justice and when they recognize that they will not have access to justice, that will jeopardize our democracy and the rule of law and we should not underestimate this possibility. That is why we have to facilitate access to justice. We have to ensure that people in Canada have the chance to be heard, not necessarily to accept the decisions...but to accept the system...if they are convinced that they will be heard by fair and impartial persons whether they win or lose...and if we dont do that...people will lose faith...and when that starts...the beginning of the end for democracy.”

A response is required as the minimum level of good faith to complete a duty. Please email me to acknowledge receipt of this letter at [fundamentaljustice@gmail.com](mailto:fundamentaljustice@gmail.com)

A response to this letter and a response to the matters brought up in the previous letter. I have another court hearing on July 11<sup>th</sup> 2024 and the Judiciary are claiming they can ignore the Charter if they want and your office is failing to respond to protect Canadians.

Trevor Holsworth

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Premier of British Columbia,  
David Eby  
P.O. Box 9041 Stn Provincial Government, Victoria, BC V8W 9E1  
[premier@gov.bc.ca](mailto:premier@gov.bc.ca)

November 30<sup>th</sup>, 2022

Dear Sir/Madam,

On March 3rd, 2020 I properly served the Deputy AG of Canada with a Charter complaint, following the enforcement procedure of the Charter.

Section 24(1) of the Charter:

“Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.”

Since Parliament offers the only method for the removal of a judge I wrote:

“The only Court of competent jurisdiction to judge the judges who judge the judges is Parliament. I have currently lost most of my legal rights except obviously my right to life but I am in fear of losing that. I am hereby applying to Parliament for the protection of my charter of rights. Obviously, urgency is of prime importance.”

The complaint was in response to a ruling by the Canadian Judicial Council which is the governing council for Federal Judges. In 2007 I had complained about the conduct of Judge Shaw who, when I presented the transcript to the Court, had called the Plaintiff to the stand and solicited perjury to protect her lawyer, committing fraud. I also complained that the Judge had permitted a lawyer to not comply with a court order. The actual written response from the CJC was “the admissibility and weighing of evidence is a matter that falls within the ambit of judicial discretion. Chief Justice Pigeon is of the view that Justice Shaw exercised his judicial discretion when he preferred certain evidence over others. Judicial discretion is not conduct. The failure of a party to abide by an order is not either a matter of judicial conduct.”

The concern of Canadians is that it appears that this is a claim of absolute power by the Federal Judiciary. What better evidence can any Canadian provide than the transcript. A Judge that cannot determine the priority of evidence when presented with the transcript cannot be trusted with our rights, our finances, our lives, and our children. The Charter of Rights is an empty promise, our right to Appeal is arbitrary, and the foundation of

Democracy is destroyed. Judge Shaw's fitness as a Judge was debated in Parliament in response to his ruling in *R v Sharpe* when he declared the law on child pornography to be unconstitutional. You will be relieved to know that he retired in 2008, 6 months after my complaint and the CJC claimed that ended the matter. However, I was very concerned about the conduct of Justice Pigeon in the exercise of his discretion to dismiss the complaint given the obvious implications to equality before the law, judicial corruption, fairness and impartiality. The CJC called my complaint regarding Justice Pigeon an abuse of process and refused to respond.

The test for Judicial conduct as stated by the Canadian Judicial Council:

“Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office?”

”Judicial independence exists for the benefit of the judged, not the judges. It is therefore to be assessed from the perspective of the reasonable observer and in light of the public interests it is meant to serve.”

Since the time of the signing of the Magna Carta, and before, the withholding of tax has precedent as the most valid and effective method of protesting abuses of power by Government over their citizens. The Canada Revenue Agency took me to Court alleging failure to comply. I made my allegations public and ultimately requested a Writ of Mandamus on the Federal Minister of Justice to comply with his duty to protect the public and ensure that the administration of government is in accordance with the law, which it is not as the AG/MOJ has refused to respond to the enforcement procedure of our governing document, our Constitution, the Charter. At the BC Provincial Court they admitted the evidence into Court and ignored it so I appealed to the Supreme Court and Justice refused to rule at all on the request for a Writ of Mandamus, to compel a Minister to do his duty, which is a democratic failure in accountability and a failure to act judicially. At the BC Court of Appeal requesting a right to appeal I was denied. In the eyes of the judiciary that ended the matter, *Res Judicata*.

The Minister of Justice ultimately responded after I complained to the PM's office but attempted to mislead Canadians as to his duties, claiming that he had no legal right to intervene in the processes of the CJC. I received no further response and ultimately the PM's office admitting the Public Safety concern forwarded the matter to Marco Mendicino who has never responded.

On the Ministry of Justice website they state:

“The Minister is not bound by the CJC's recommendation; the option to seek a judge's removal by Parliament exists whether or not the CJC recommends that the judge be removed....If the question of removal is to be put before Parliament, it is the Minister who does so. It is open to the Minister to put the question to Parliament or to decline to do so. Like all acts of an Attorney General, the Minister's discretion in that regard is constrained by the constitutional obligation to act in good faith, objectively, independently and with a view to safeguarding the public interest.”

I submitted a complaint regarding corruption by a federally elected member of Parliament to the RCMP National Division whose mandate is to safeguard and investigate significant

threats to Canada's political, economic, and social integrity. In response the RCMP told me to stop sending them evidence, that they would not investigate and would destroy evidence. I suggested that the RCMP should no longer be arresting members of the public as they are failing in their application of the rule of law and the justice system is not complying with fundamental justice.

I did submit this evidence to the Emergencies Act Inquiry but it was not entered into evidence. I have submitted some of the evidence to the appropriate Federal Parliamentary committee's including the Justice and Human Rights Committee as they are currently debating proposed amendments to the Judges Act and it is posted as evidence on their website. That proposed Act of Parliament provides Canadians with exactly zero rights in the conduct of judicial complaints and provides Judges with zero accountability and zero transparency in the process. It is an absolute failure in our elected representatives to ensure the protection of the public, whom they serve.

The effect of this concentration of power in the PM's office, Federal Cabinet and Federal Judges the Provincial Governments face the real prospect of a coup, which began back in 1982 with the "Kitchen Accord" on the "Night of the Long Knives". The Provincial Premiers have a constitutional duty inspired in the doctrine of the separation of powers to act to control abuses of power by the Federal Government.

The Charter is a meaningless document if there is no method to enforce the enforcement clause. The Minister Of Justice cannot claim that the administration of Government is in accordance with the law because they are not responding to the enforcement procedure, an obstruction of justice. The Minister of Justice's absence of a public legal opinion cannot be said to be in "good faith" and in the "protection of the public". Combined with the claim to be able to plant perjured evidence at trial to defeat the transcript, is a claim of absolute power. The refusal to allow the legitimate review of that discretion is undemocratic and the claim of dictators and police states.

The Court system is the pinnacle of the Public Service and this failing of the Courts affects the integrity of the entire Public Service, Provincial and Federal.

Parliamentary Supremacy overrules the Tyranny of Justice. Ministerial Responsibility in a Parliamentary Democracy represents the power of the people. The People of Canada have the ultimate power in a Democracy. Please help to protect Canadians from abuses of power by the Executive and Judiciary of the Federal Government.

Trevor Holsworth  
[www.fundamentaljustice.com](http://www.fundamentaljustice.com)

Trevor Holsworth  
P.O. Box 1500  
Fraser Regional Correctional Centre  
Maple Ridge BC V2X 7G3

November 9<sup>th</sup> 2023

Supreme Court of Canada  
301 Wellington St  
Ottawa ON K1A 0J1

To: Alaa Sanaknaki,

Thank you for your letter of November 2<sup>nd</sup> 2023 acknowledging receipt of my writ of habeas corpus that the registry received on September 29<sup>th</sup> 2023, which you label, a “letter”. It is disturbing to the concept of good faith that it appears to have required my father contacting the Canadian High Commission in Australia in order to generate this response.

As the Canadian Judicial Council has written to me claiming that Federal Judges have discretion in their acceptance of their official record of court, the transcript, and the BCCA has called my appeal on this issue, “...a conspiracy theory. That does not reflect reality” including the evidence of the AG/MOJ David Lametti refusing to respond to the enforcement procedure of the Charter s 24(1). A claim that the administration of Government is not bound by the guarantees of the Charter.

Further, the sentencing Judge at the Provincial Court specifically stated that the Charter guarantees would not apply to the hearing and given that the transcript is claimed can be ignored arbitrarily and rules of precedent and res judicata make further appeal meaningless, and impossible within the the prison system.

I have notified every official that I have encountered upon my incarceration my legal opinion as to the illegality of my detention and the supporting evidence. The administration of Fraser Regional Correctional Centre have been informed regarding my habeas corpus application to this Court. Despite the absence of a digital file of Supreme Court decisions in the facility law library, and a denial of access to my legal files. I can also confirm that all lawyers available within the prison system do not provide advice on habeas corpus. I have managed to find reference to the common law precedents from R v Gamble and Isbell in the Supreme Court of Canada (SCC).

“The basis of the application is that the applicant is unlawfully detained.”

“to provide a speedy inquiry into the legality of any imprisonment”

“be exercised with due regard to the constitutional duty mandated need to provide prompt and effective enforcement of Charter rights”

Parliament has authorized the processes of the legal administration for this Court to comply with in s 35, 36, 39, 42, 43, 53, and 64 of the Supreme Court of Canada Act.

The legal protections of habeas corpus are constitutionally enshrined in the Charter s 9, 10 and 24(1)

Please forward a filed copy of my writ of habeas corpus and the plan for moving this process forward or an immediate explanation of any deficiencies required by law. The absence of a response to my prior service does not generate good faith, trust in the processes of the Court, nor the Public right to access justice, the legitimate constitutional purpose of the Court for Peace, Order and Good Government.

I note that the SCC determined in R v Gamble that “neither should [the courts ] bind themselves by overly rigid rules about the availability of habeas corpus which may have the effect of denying applicants access to Courts to obtain Charter relief.”

The constitutionality of the Judges Act was questioned and served upon the Provincial and Federal AG's who “declined to participate” and the hearing judge merely dismissed the application as a collateral attack in conflict with the decision in Morgantaller by Lamar and Dickson, “Section 7 does impose upon courts a duty to review the substance of legislation once it has been determined that the legislation infringes an individual's right to life, liberty and security of the person.”

This was not done. The Judges Act completely ignores the impact of judicial misconduct upon those most vulnerable and affected. This breach in the Charter must be resolved to provide fundamental justice for Canadians. The Charter compliance report provided to Parliament by the AG/MOJ does not address these issues whatsoever and although debate and evidence was presented to Parliament in regards to these deficiencies the protections were ultimately not included in the Act.

Please acknowledge the receipt of this letter and the previous correspondence of October 10<sup>th</sup>, 2023

Citizen, Trevor Holsworth





trevor holsworth <fundamentaljustice@gmail.com>

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## Failures in the rule of law requiring legislative intervention

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trevor holsworth <fundamentaljustice@gmail.com>

Wed, Aug 28, 2024 at 1:51 PM

To: brittny.anderson.MLA@leg.bc.ca

Dear Brittny Anderson,

Sent by Trevor Holsworth Box 406 New Denver BC V0G 1S0

There is a problem in the administration that requires the attention of the Legislature. The Executive through the Attorney General's department are denying that they have jurisdiction to check the Judiciary in order to avoid communicating with the Legislature AND they are asserting that the Legislature has no jurisdiction to check the conduct of the Judiciary, which is simply not true. The people are always the final check on the claim of any purported ruler. That principle is guaranteed in the Constitution, in the Judges Act, and in precedent from the judges themselves.

I believe that the Judiciary is in breach of fundamental justice and the Executive are running interference because they are similarly implicated. This is a matter that the Legislature must consider as the remedy may involve the removal of a judge and certainly legislation is required to properly protect the people in a free and democratic society as promised in the Charter.

I'll briefly present the relevant facts

In 2007 I presented the BC Law Society and the Nelson City Police with evidence of obstruction of justice by two lawyers trial fixing.

The BC Provincial Court Chief Justice is currently being represented by a lawyer in order to avoid commenting on a judicial conduct complaint regarding a judge who agreed with a lawyer for BC FMEP asserting that he could ignore charter arguments, if it was a "narrow issue", including requests for incarceration.

Federal AG David Lametti fails to respond to s 24(1) The Enforcement Procedure of the Charter

The Attorney General of BC was served with a Constitutional Question regarding the legality of Federal Attorney General failing to respond to the enforcement procedure of the Charter along with a constitutional question regarding the constitutionality of the ITA s 238(1) requirement to file. The response of the Attorney General of BC is, "no comment"

A BC Supreme Court Judge does not show up to Court on Feb 14 2022 to provide a decision on a writ of mandamus on the Minister of Justice David Lametti following evidence of a failure in the rule of law throughout the Canadian legal system. When Justice Lyster finally does produce a decision it claims that all my allegations of misconduct by authority are "irrelevant" to the charges against me. A continuation of a failure in the rule of law.

At the BC Court of Appeal, my appeal is dismissed as a "conspiracy theory. This does not reflect reality." My lived experience in the British Columbia and Canadian legal system is not only irrelevant it is not real, contrary to all the evidence before the court, replaced by judicial opinion alone and in her written decision purposefully removing the fact that I presented the transcript to the Court, the best evidence any Canadian could provide to prove fraud committed by a lawyer, on a court order. Allegations of misconduct by lawyers or the judiciary are removed from the system and dismissed as "conspiracy theories", "vexatious litigants", or as the BC Sheriff attending court labelled me in his communication with the RCMP, a "Freeman of the Land" in a continuation of the smear campaign to discredit my testimony.

I have reported the problem I have encountered to the Police of jurisdiction on numerous occasions with no investigation ever been initiated because it involves the court system. Clearly the police are on a lower rung than lawyer, or judges. Unfortunately the citizens of Canada are below that, with nowhere to turn unless a police officer, a lawyer or a member of the legislature becomes involved to properly check the powers of the Judiciary.

The implications of these judicial rulings is that the Public has no rights in the legal system established in Canada. Judges assert that they may legitimately ignore all of our evidence up to and including their official record, the transcript, being used to correct a court order improperly drafted. Our efforts to access justice in the BC Legal system are subject to un-resolveable failures in the rule of law and open criminal conduct with the fact that it is happening in our legal system the

only defense. Clearly this conduct cannot be justified in a free and democratic State, and that is why they refuse to respond to Constitutional Questions.

I filed an application as an intervener in the Federal Court of Appeal hearing the matter of the appeal by the Executive of the decision of the Federal Court declaring the enforcement of the Emergencies Act to be not justified, illegal and unconstitutional. My evidence includes the MOJ making false and misleading statements in order to improperly protect judges instead of doing his duty and protecting Canadians. When I replied and corrected David Lametti I received no further communications. The PMO forwarded the matter on to the Minister of Public Safety Marco Mendicino, who never responded. The submitted evidence was acknowledged and is on the court record but my further participation in the process was dismissed.

The Premier of BC, David Eby is notified by email and registered letter of the failure of the MOJ to respond to the enforcement procedure of the Charter. In addition I had communicated the problem previously on Sep 21, 2020 by letter to David Eby as Attorney General of BC.

On February 26, 2024 I sent a registered letter to the Attorney General of BC. I received no response.

On June 14, 2024 I sent a second registered letter. I received a response that they are examining the situation. Unfortunately given that they knew all of this beforehand and did nothing might prove to be a conflict of interest as is the reality that the BC Law Society is in conflict with their governing statute improperly protecting lawyers and refused to provide written reasons for their failure to protect the public, which provides the legitimacy for their monopoly on the provision of legal services. On July 10, 2024 they responded denying that there was any problems.

The Attorney General of BC with your approval enacted changes to the Legal Profession Act providing the Attorney General's office with the ability to make appointments to the Law Society of BC board enabling them to control the Law Society and through them, all lawyers, and through that, all judges. Given the evidence that lawyers are not a competent authority to properly check their own authority and the Attorney General is not in compliance with the law, is a biased party to the conflict before the purportedly fair and impartial court and is also not protecting the public interest they have a conflict of interest that destroys their legitimacy.

Lawyers at the Attorney General's office are asserting that the Judicial is supreme and not subject to oversight by the Legislature. The Judiciary is also refusing reasonable legal attempts to provide legitimate checks and balances. Without the protection of the representatives in the Legislature the citizens of Canada are vulnerable to these abuse of power. The Legislature is the appropriate forum to address the problem of law societies and the family law act as obviously they are a creation of the legislature. Provincial Court Judges and the administration of the criminal law are provincial responsibility.

So, I come with a problem and a very big one and denial has been the solution so far which has been very easy for them but terrible for me and the people around me. We all deserve better. I certainly deserve to be treated better. I have published my story through the legal system and into politics at [www.fundamentaljustice.com](http://www.fundamentaljustice.com)

The solution to democratic deficit is to strengthen democracy which means great citizen involvement. I suggest British Columbia embraces this as an opportunity for a new beginning, to dilute power, seek transparency and accountability by creating a citizen jury to check the powers of police boards, lawyers and judges. This will foster greater connection between the citizen and the public service to create trust.

There are many benefits. An empowered citizen is a powerful force, so much better than a rebellious citizen. It's the difference between inspiration and despair. I would suggest that a random mixture of young persons just leaving school along with retired persons and others from diverse working backgrounds would provide a much needed communication conduit back and forth between government and citizens. Bring democracy home so we can enjoy the fruits of our labors and have respect for our country once again.

I know this is challenging but your role as the representatives of the People in a Democracy is to check the powers of the Executive and the Judiciary for abuses. This clearly, is such a time. The BC Law Society is a BC Legislature responsibility, the current plan for the BC AG Dept to effectively take over the Law Society clearly doesn't protect the people of British Columbia from abuses of government power. A check over the powers of the Law Society to protect the public would best be accomplished by a grand jury inquisitorial system. Nothing else is obviously acceptable for the public trust. It is well known, trust is earned not given.

The problem of the BC Federal Judiciary is more challenging as they are governed by the Federal Government but I will be serving every Parliamentarian with the Enforcement Procedure of the Charter s 24(1) in an effort to bring accountability in that forum. I thought I would start the process informally at the Provincial level, hopeful that will bring a response, before making this a formal constitutional issue.

The problem of the BC Attorney General is more straightforward. The legal advice of the Attorney General is contrary to the law and the constitution, and contrary to their duties, to protect the public and see that the administration is in compliance with the law. The Attorney General's are obstructing justice. The refusal to respond to the enforcement procedure of the charter is followed by the failure to respond to a constitutional question, a refusal to debate the

constitutionality of the Federal Judges Act and a refusal to investigate the conduct of Provincial Court Justices in accordance with the BC Provincial Court Act. We also have the problem of a failure by the Attorney General's staff to comply with a court order to provide court audio and a refusal to file documents at a BC Registry due to allegations of access to justice issues contained therein. Investigations under private prosecutions are never investigated and dismissed arbitrarily. The public is not being protected. Not by the BC Law Society and not by the BC Attorney General. Accountability, Transparency and Public oversight with investigatory powers would help to balance the scales of justice.

I formally request that the matter of the Ymir Backcountry Ski Lodge Kootenay Experience Crown Land Tenure be re-examined in the context of the above situation and a realization that the public would best be served by the facilitation of compliance and the restoration of the licence.

I conclude by thanking you for standing up to represent the people of British Columbia.

No Canadian should be subjected to a Judicial dictatorship supported by the Executive in the form of the Attorney General's Office. Access to justice is a Public service which must be protected from corruption by the Legislature. This is the exact moment when the importance of the Legislative Assembly shines to truly protect the public interest. British Columbians and Canadians should not be coerced into trusting a legal system that clearly is dysfunctional for the needs of the Public. The restoration of trust in our legal system is of vital importance to the national security of Canada.

A citizen of British Columbia and Canada who has been guaranteed rights in our governing constitution,

Trevor Holsworth

Please find attached

Brief in support of Intervener status at the Federal Court of Appeal regarding the enforcement of the Emergencies Act

Registered Letter of November 30, 2022 to Premier of British Columbia, David Eby

Registered Letter of February 26, 2024 to Attorney General of British Columbia, Niki Sharma

Registered Letter of June 14, 2024 to Attorney General of British Columbia, Niki Sharma

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#### 4 attachments



**LettertoNikiSharmaAGBCFeb2024.pdf**

120K



**BC\_Premier\_David Eby.pdf**

45K



**LettertoNikiSharmaAGBCJune2024.pdf**

80K



**Binder-A-75-24-Complete.pdf**

3603K

Trevor Holsworth  
P.O. Box 406  
New Denver BC V0G 1S0

Canada Revenue Agency  
Coastal & Central BC Tax Services Office  
Surrey B.C. V3T 5E1  
fax 604-586-8205

L. Ballarin  
Collections Officer  
mailed on July 3<sup>rd</sup> 2024

Dear L. Ballarin,

My apologies for the delay in replying. I've had some family emergencies. I'm sorry for the briefness of our recent phone call but I do get tired of telling the story over and over again and hopefully now you have a more full-some understanding of my personal position as well as that of Canada.

I was placed in debt several hundred thousand dollars in a court action where the judge whose fitness as a judge had been very seriously debated in Parliament and who in my trial preferred the lie of the plaintiff to the transcript of hearing several months previously in order to protect her lawyer committing fraud on a court order in a massive display of partiality to lawyers or plaintiffs or women. Financially it was unreasonable to appeal the decision and trust in the legal process was obviously completely compromised I made a complaint regarding the judges conduct because it clearly fit the description for judicial misconduct, ““Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office” and everyone I talked to agreed that you cant have our judicial council approving of judges protecting lawyers committing fraud on the public and using their clients opinion to settle the dispute and call that fair or impartial and certainly not in accordance with the law. The judicial council approved of the conduct of the judge without even reviewing any evidence at all, simply on the contents of my letter. Naturally I did not feel this was an adequate examination and wrote back several times, until I made a complaint about the judge, who dismissed my complaint, which requires that the opinion of outside counsel be requested, however instead of doing that, the legal officer dismissed my complaint as an abuse of process. I wrote to the Minister of Justice and informed them of the problem of the judiciary breaching the charter rights of Canadians and how could we trust the legal system if we cant report criminal activity happening within it anywhere. I was paying for shelter with gardening work and struggling to keep my battered brain from being abused further after two years of unrelenting harassment, 10 break and entry's, legal proceedings and business collapse. The complaints that I had with the lawyers and their fixing of the trial by removing their self-incriminating evidence of fraud on trust accounts and failures to comply with court orders for trust account disclosure and much more were

initially taken seriously by the law society but suddenly their position changed and the complaints were dismissed and a refusal to provide written reasons as required by their governing statute was the subject of a complaint to the BC Ombudsman Office who after a year of refusal by the law society gave up saying that the law society promised to do so, in the future. A report to the police similarly was dismissed. But I had followed all the formal channels and all the legal advice provided. Case fixing seriously compromises the public's trust in the legal system and there is no method available to the public to report criminal conduct by anyone involved.

I live a very modest life and have survived through the generosity of friends and family. Since that divorce I borrowed money from clients to build back part of my business but eventually failure to comply with some rules and regulations, by me was the reason for siezing the last remaining asset that I owned and my entire life's work and only means ever to pay back any debts that I owe.

I struggled with depression from the hopelessness of the situation and I'm sure my partner, later to be, mother of my children, at that time suffered too. It was brutal. For at least four years I suffered severe PTSD and general dysfunction on many levels. BC Child Support Collection Services attempted to collect from me the child support that I had hired a lawyer 2.5 years previously to correct and who never did. That was after my first experience in 2005 being in contempt of court for failing to comply with child support and I had presented evidence to the judge who had declared that *"his income is now down to zero"* and *"lack of future prospects"* and *"But I cannot urge you strongly enough, sir, to get on with your application to vary that order."*

I had hired a lawyer and he never did, after the trial he wrote dismissing my complaint, *"if you find your income doesnt reach that level you can hire a lawyer"*. Well, my income never did and I never had enough money to hire a lawyer but I did communicate with FMEP the child support collection agency in BC and provided them the details that I had provided the law society demonstrating the fraud perpetrated and their decision was to delay collection activities for 5 years. That was the first acknowledgement that something was wrong and an effort to solve the problem. After five years I was in no better situation but I was a father to two little children that had started to restore my faith in humanity, with the provision of, and receiving of, the love that children share with their mother and father.

Being constantly broke I was leveraging advance payments and short term investment strategies with customers in order to stay afloat and when covid hit I was neck deep in a massive effort to bring my operation up to regulations or face seizure but at the same time the government was threatening me with 80 days of jail for failing to pay child support which my ex had initiated legal proceedings against me around the time I met a new partner and started an assault on the custody of the children. It's a small town. It's not pretty. One winter she took the kids away for the winter and I had resolved to hire a lawyer to resolve it but the \$10,000 I could raise didnt even start the process and left me in a worse situation than when I started.

I had however served the Minister of Justice with the Enforcement Procedure of the Charter s 24(1) and taken the matter to court and publicized my experience online and in local newspapers. I presented the problem of a failure in the rule of law in the legal system from

a fraud by a lawyer on a court order to the judge protecting the lawyer to the judicial council protecting the judge and the minister of justice refusal to respond to the enforcement procedure of the Charter request to bring the matter to the only court of competent jurisdiction to resolve the matter, Parliament. I requested from the Court a writ of mandamus, an order of the court for a minister to do his duty. The duty of the Minister of Justice is to protect the public and ensure the administration is in compliance with the law. The standard or bar is very low, on the balance of convenience, as it should be, a duty is the reason someone is paid from the public purse. A decision from that judge was due Feb 14, 2022 but she didn't do her duty that day either, she did not show up but the Minister of Justice enforced the Emergencies Act on that day. Unfortunately in my communications with the Minister of Justice he had made some false and misleading statements as to his duties in order to avoid doing them and when I called him to account just didn't ever respond again. I did present this evidence to the Federal Court of Appeal as they hear from the government on their appeal from the Federal Court decision that the government conduct was not reasonable, illegal and unconstitutional and despite David Lametti assuring the POEC inquiry that his legal advice to Cabinet was in good faith they have refused to make that decision public. My evidence demonstrates that it was not in good faith as he knew that he was in conflict with the Charter because he was refusing to respond to the Enforcement Procedure and knew accountability was being requested through Constitutional Questions and a writ of mandamus.

In the current situation I cannot access justice through the legal system, my member of Parliament does not respond, and all other mechanisms of communication have been attempted. The last that I communicated with someone from CRA was Matthew Hopkins who I had explained my position as he explained the legal action that the government was undertaking for failing to file income tax statements. In court the Judge refused to allow Mr Hopkins to answer the question that I posed to him, *"what do you think of the fairness of a justice system that claims a judge can ignore the transcript to protect a lawyer committing fraud?"*

We all know the answer to that question. Unfortunately lawyers and judges are completely silent on the issue. When I was sent to jail after an unfair and partial trial that was certainly not complying with fundamental justice, instead was retribution for my exposing their crimes as it was such a miscarriage of justice. I had challenged the constitutionality of the Judges Act and they refused to engage, *"we decline to participate"*, because my evidence demonstrated that no Canadian has any rights at all, victim or perpetrator, mother or father you are rats in a maze, and that is the access to justice crisis. Like a pyramid scheme, a shell game eventually is uncovered. But the legitimacy of judiciary has been questioned on several occasions and they refused to submit to legitimate review. The Executive's conduct is being questioned by the Judiciary. The Judiciary always questions the legality of law made by the representatives of the people of Canada. But now that questions as to the legitimacy of the Judiciary and the Executive are being asked the power of the legitimacy of the decision makers, the Members of Parliament is being questioned as foreign interference. Amidst questions regarding the process of Justice Brown's removal, the last Supreme Court of Canada Justice appointed moved the balance of judge in the there to favor the ruling party.



As I noted in my appeal to the BC Court of Appeal that if one cannot report a crime within a legal system then there isn't any difference between that and a protection racket except that the legal system has captured the perceived legitimacy and coercive powers of the State. The highest court available to me stated that,

[29] It is unclear to me whether Mr. Holsworth is intentionally ignoring the clear rule that judges must exercise their discretion judicially and is doing so in order to obfuscate and delay the fact of his convictions under the *ITA*; or whether he actually believes he was unfairly treated in 2006 and is therefore somehow not bound by court orders or by the duty of all Canadians to file income tax returns. In any event, his leap from the fact that his evidence [the transcript] was not accepted in 2006 to the existence of a vast failure of the justice system and of judges and lawyers to comply with their oaths of office and codes of ethics seems to indicate a disturbing world view rife with conspiracies and corruption. This does not reflect reality.

The words [the transcript] are not included in the judge's decision but as correctly inserted it proves the existence of the corruption, denied in their reflection of reality.

From prison I appealed to the Supreme Court of Canada for the constitutionally guaranteed right to appeal by habeas corpus, a check on the legality of the imprisonment. I wanted to be sure that the highest court in the land had a chance to respond but they denied and only after calls by my father to the Canadian High Commission in Australia did a response arrive terming my application, a letter. The Judiciary cannot justify their conduct in a free and democratic state, and neither can the Executive. Parliament, representing the people of Canada are the legitimate check on the powers of the Executive and Judiciary.

What does the Public Service say?

Your governing institution, the legal system arbitrator of the public with the public service claims that the public has no rights. In particular the most important one, the safety of not being extorted by the state.

What does the public service manual say,

### ***Values and Ethics Code for the Public Sector***

#### ***Respect for Democracy***

*The system of Canadian parliamentary democracy and its institutions are fundamental to serving the public interest. Public servants recognize that elected officials are accountable to Parliament, and ultimately to the Canadian people, and that a non-partisan public sector is essential to our democratic system.*

#### ***Respect for People***

*Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and contributes to a safe and healthy work environment that promotes engagement, openness and transparency. The diversity of our people and the ideas they generate are the source of our innovation.*

#### ***Integrity***

*Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and impartiality of the federal public sector. Stewardship Federal public servants*

*are entrusted to use and care for public resources responsibly, for both the short term and long term.*

***Excellence***

*Excellence in the design and delivery of public sector policy, programs and services is beneficial to every aspect of Canadian public life. Engagement, collaboration, effective teamwork and professional development are all essential to a high-performing organization.*

One cannot be neutral in the face of oppression. It is time for the Public Service to speak.

The Public Prosecution Service dropped their prosecution of my failure to file income tax statements in *"the public interest"*. That means that given the evidence provided they did not feel they could justify the prosecution, in the public interest. I requested for more details but none were provided.

The problem that I presented in court is that given that the Judiciary claims they can ignore all my evidence there is no way that I can dispute the amount that the government claims I owe. Furthermore I attempted to negotiate with CRA and make payments using the method claimed to be fair and impartial by the Judiciary, if it was fair to apply to me it should be fair in return. In the divorce the judge provided me with the assets of my bankrupt company that he declared had a share value of 0 but for the purposes of the divorce gave it a value of \$295,000, the value in the shareholder's loan account. I suggest that if it was fair for me, it should be fair in return. I would transfer the value in the shareholder's loan account to the amount owed to the CRA. Fair is fair. CRA did not accept my proposal claiming that they did not understand, they only wanted cold hard cash, not equal treatment under the law.

Please consider that the volunteer work that I have done in the promotion of the public interest, accountability and the rule of law could be taken into consideration in our communication.

Yours sincerely,

Trevor Holsworth  
[www.fundamentaljustice.com](http://www.fundamentaljustice.com)

You can find all the links to all my arguments and the evidence, on the website including my application for intervener in the Appeal by the Federal Government regarding their illegal and unconstitutional conduct in the enforcement of the Emergencies Act because my evidence demonstrated that the Minister of Justice knew that the administration was not in compliance with the law and the public was not being protected and that his conduct was not in good faith as requests for accountability were on his desk and before the court and his response made false and misleading statements as to his duties in order to protect his friends, federal judges, instead of his duty to the people of Canada.

Contribution to Standing Committee on the Status of Women.

Abuse is a cycle. It is incorrect factually to assert that it is gender based and is perpetuated exclusively upon women by men. Until this false representation of the problem is resolved there will be no progress because abuse perpetuates abuse.

The only time I have ever experienced a feeling of uncontrolled rage is after being subject to the abuse of the family court system. In my experience the Plaintiff's lawyer had failed to comply with a court order to provide monthly trust account statements and created a fraudulent court order. I had provided the transcript of the hearing to the court to conclusively prove the lawyers fraud but the Judge merely called upon the Plaintiff, a woman, and requested she commit perjury to protect her lawyer. The Canadian Judicial Council approved of the conduct of the Judge and the BC Law Society approved of the conduct of the lawyer by removing evidence from their file the same way they redacted documents in the court file to hide their obstruction of justice.

This is the experience men have in the court system. How do you think men feel? Does this abuse create love and respect for the holy bond of matrimony and create safety for the family and stability for our children? Where does this fit with the "best interests of the child?"

When a woman threatens divorce or separation and goes to a lawyer as she is advised to do to 'protect her rights' how do you think men feel. The courts are a direct threat to everything a man seeks to protect, his children, personal security and finances to provide a stable home. Men are often jailed as a result of interactions with the justice system, and are certainly accused of all sorts of things to gain a tactical advantage in a biased court room. How do you think men feel about false accusations by women for financial gain over men? When accusations are proven to be false there is no consequences for the accuser, the damage is done. Families ruined, children devastated. That is not justice. That is legalized abuse and is used largely for coercive control of men by women.

This problem is before the courts and before the Minister of Justice. The Minister of Justice has refused to respond to the enforcement mechanisms of the charter to bring attention to this matter to Parliament. That is obstruction of justice. The courts have been informed and delayed providing a date for a decision for 3 months and then the Judge just didn't show up to court.

When I posted this information on the internet feminists responded claiming I felt "victimized because you are a white male, the most privileged cohort in our society. Basically it's time for white males to shut the fuck up, step back and begin to learn."

Of course my response was "what I hear you saying is that women should dictate to men what to do, when to do it, and how to do it. That a man's voice has no value because it is male. That does not say 'equality' in any shape or form."

I know that my message does not fit your narrative and you do not want to hear what I and other men have to say. That is a problem as well. Funding to represent men's rights is zero. The message that is being sent to society is that men do not matter and that equality is not the desired outcome. Of course you are going to get resentment as a result. What do you think is the solution? "Kill all men?" or lock them all up because women say so. Welcome to the New World Order. You reap what you sow. Sincere efforts to rebuild trust and love between men and women is what is required. That is not happening right now. The court system is being abused by lawyers to divide men and women for their own personal profits and our society and particularly our children are suffering as a result. There are no winners in this scenario despite claims of hollow victories.

The Charter claims that the Government guarantees equality between men and women. My suggestion is that the sex of the participants in court in private and public disputes is not disclosed to ensure that judicial bias on the basis of sex is not a factor. Unfortunately this committee is displaying blatant sexism in it's opening lines including "toxic masculinity". I would recommend using gender neutral language to avoid offending the requirements of the Charter, or you could include an equal component for "toxic feminism". This bias is a major factor in creating division between the amazing contribution men and women make to

the success of their children, our Canadian culture and our society. Labelling men in such derisive way is certainly no way to facilitate healing in our society but will only marginalize half of the population, but maybe that's the purpose but I'm here telling you that it is unconstitutional and is against human rights accords nationally and internationally and will result in a continuation of human rights abuses.

You may, or may not be interested in viewing more of the facts and legal argument that I introduce here and it is available at [www.fundamentaljustice.com](http://www.fundamentaljustice.com)

Thank you for taking the time to hear my voice of concern.

Trevor Holsworth

Association for Equality on the Basis of Sex.

# FEDERAL COURT OF APPEAL

BETWEEN:

**ATTORNEY GENERAL OF CANADA**  
Appellant

and

**CANADIAN CONSTITUTIONAL FOUNDATION**  
Respondent

and

**TREVOR HOLSWORTH**  
proposed intervenor

---

**MOTION RECORD OF THE PROPOSED INTERVENOR**  
(Motion for leave to intervene pursuant to Rules 109 and 369)

---

March 22, 2024

Trevor Holsworth  
Fundamental Justice  
405 9<sup>th</sup> Ave  
New Denver BC V0G 1S0  
Tel: 250-551-6940  
[fundamentaljustice@gmail.com](mailto:fundamentaljustice@gmail.com)

TO: FEDERAL COURT OF APPEAL  
180 Queen St West  
Toronto, ON M5V 3L6

AND TO:

**Counsel for the Appellants**

ATTORNEY GENERAL OF CANADA  
Department of Justice Canada  
Civil Litigation Section National Litigation Sector  
50 O'Connor Street, Suite 500  
Ottawa, ON K1A 0H8  
Per : Christopher Rupa / John Provart / David Aaron  
Phone : (613) 670-6290 / (647) 256-0784 / (343) 804-9782  
Email : Christopher.Rupa@justice.gc.ca / John.Provart@justice.gc.ca /  
David.Aaron@justice.gc.ca

AND TO:

**Counsel for the Respondents**

CANADIAN CONSTITUTION FOUNDATION

|                                 |                              |
|---------------------------------|------------------------------|
| Sujit Choudhry                  | Janani Shanmuganathan        |
| Haki Chambers Global            | Goddard & Shanmuganathan LLP |
| 319 Sunnyside Avenue            | 116-100 Simcoe St.           |
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| sujit.choudhry@hakichambers.com | janani@gslp.ca               |

AND TO:



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COURT FILE:

A-74-24

**FEDERAL COURT OF APPEAL**

BETWEEN:

**ATTORNEY GENERAL OF CANADA**

Appellant

and

**CANADIAN CONSTITUTIONAL FOUNDATION**

Respondent

and

**TREVOR HOLSWORTH**

Proposed Intervenor

---

**NOTICE OF MOTION**

(Motion for leave to intervene pursuant to Rules 109 and 369)

---

**TAKE NOTICE THAT** Trevor Holsworth makes a motion to the Federal Court of Appeal under rules 109 and 369 of the Federal Court Rules to intervene in this appeal.

**THE MOTION IS FOR:**

1. An order granting TREVOR HOLSWORTH leave to intervene for
  - a) the purpose of providing the attached evidence relevant to the inquiry before the Court, to establish the information before the Prime Minister and the Minister of Justice prior to their decision to invoke the Emergencies Act.

- b) To file a Memorandum of Fact and Law
- c) To receive all documents required to be served or filed by a party to this proceeding also be served on the Intervener.
- d) To be exempt from any costs associated with this motion or the appeal.
- e) Such further terms proposed that the Court deems just.

**THE GROUNDS FOR THE MOTION ARE:**

**The Intervener**

- 2. Trevor Holsworth is a citizen of Canada who is a participant and witness to evidence that is relevant to the inquiry before the Court.

**Procedural History**

- 3. On March 9, 2020 the Enforcement Procedure s 24(1) of the Charter was served by registered letter upon the Deputy AG's Office as required for service on the Crown. Included within Attachment "A"
- 4. In late December 2020 and early January 2021 I reported the failure of the Minister of Justice David Lametti to the RCMP National Division tasked with investigating corruption by Federal Members of Parliament however they wrote back ultimately requesting that I "not send further evidence...we will not review it...we will destroy", Exhibit "
- 5. On the May 25, 2021 the Parliamentary Ethics Commissioner accepted my complaint regarding the conduct of David Lametti in his role as Minister of Justice. Exhibit "G"
- 6. On July 1, 2021 Attachment "F" was submitted and printed in the Valley Voice

Newspaper describing a failure in the rule of law and a brief description of the duties of the Minister of Justice, and the legal, constitutional and democratic consequences of a failure to respond to the public.

7. On July 16, 2021 in the Provincial Court of BC a constitutional question, properly served upon the Provincial and Federal Attorney General's with the requisite two weeks notice requested restoration of the breach in the Charter caused by the failure of the Minister of Justice to respond to the Enforcement Procedure of the Charter. That question remains unanswered.

8. On Dec 3, 2021 On Appeal to the BC Supreme Court I submitted evidence of a failure in the rule of law throughout the Canadian legal system and requested a writ of mandamus on the Minister of Justice to perform his duty to protect the public and ensure that administration of government is in compliance with the law. Relevant excerpts from the transcript are included in Attachment "H".

9. The request for a writ of mandamus included the legitimate requirement for the Minister to present the problem to Parliament to allow the Legislature to properly perform their constitutional duty to deliver peace, order and good government to Canadians.

10. The decision at the Supreme Court of BC was postponed until Feb 14, 2022 but on that day the Justice did not show up and the Minister of Justice David Lametti invoked the Emergencies Act.

11. My assertion is that the Minister of Justice knew that he was failing to do his duty and knew or ought to have known that accountability was being requested and instead denied Canadians their constitutional rights by invoking the Emergencies Act.

## **The Intervener's Interest and Unique Perspective**

12. As a member of the Public the Intervener shares equally with all Canadians the public right to access a fair and impartial court complying with fundamental justice in accordance with the Charter.

13. As a member of the Public the Intervener shares equally with all Canadians that the duties required of the Minister of Justice in the Westminster Parliamentary system be properly enforced by the Courts to restore trust in our democratic institutions so that Canadians may have peace, order and good government.

14. David Lametti in his email to me of Feb 11, 2021 made false and misleading statements as to his duties, Exhibit "C". On Feb 14, 2021, Exhibit "D" I attempt to correct the errors. I received no further response. Ignoring the public to solve the problem does not generate the required "good faith" that his office requires and defies the claim that David Lametti made to Justice Rouleau at the Public Order Emergencies Commission.

15. The invocation of the Emergencies Act was not made in "good faith" as the Minister of Justice knew that the administration was not in compliance with the law and the public was not being protected.

16. However, the public is largely not aware of the communications that I have had with the relevant authorities. Some of these communications were presented for public examination before the Public Order Emergency Commission (POEC) and receipt confirmed, but the evidence itself was not publicly presented before the Commission, and the POEC Report or website makes no mention of these issues.


### **The Intent of the submissions by the Intervener**

17. It is in the interests of justice for the reasons that the Minister of Justice had for invoking the Emergencies Act be examined fully and critically in order to properly determine the legality of that decision and to repair the breach in the Charter and restore trust for Canadians.
18. The current Minister of Justice Arif Virani has refused to provide to the Public, Parliament or the Court the legal advice provided to Cabinet regarding the decision to invoke the Emergencies Act.
19. The evidence attached suggests that David Lametti's legal advice was not made with the requisite "good faith" in the performance of his Ministerial duty to protect the public and to ensure that the administration of government is in compliance with the law.
20. The granting of leave to intervene will enable the Court to have all of the evidence relevant to their inquiry before them and will not duplicate the submissions of other parties, nor delay the application before the Court.
21. The evidence presented is relevant to the pursuit of justice and in the public interest.

**THE FOLLOWING DOCUMENTARY EVIDENCE** is relied on in support of this motion:

22. Affidavit of Trevor Holsworth, affirmed March 2~~5~~<sup>6</sup>, 2024

DATED this 2~~5~~<sup>6</sup>th day of March, 2024



---

Trevor Holsworth

P.O. Box 406  
426 8<sup>th</sup> Ave  
New Denver BC V0G 1S0  
Phone: 250-551-6940  
Email: FundamentalJustice@gmail.com



COURT FILE:

A-74-24

**FEDERAL COURT OF APPEAL**

**BETWEEN:**

**ATTORNEY GENERAL OF CANADA**  
Appellant

and

**CANADIAN CONSTITUTIONAL FOUNDATION**  
Respondent

**AFFIDAVIT OF TREVOR HOLSWORTH**

I, TREVOR HOLSWORTH, of the Village of New Denver, British Columbia,

AFFIRM THAT:

1. I have personal knowledge of the matters hereinafter deposed in this affidavit, except where stated to be based on information and belief, in which case I believe them to be true.
2. I am not a lawyer. All lawyers have refused to represent or advise me based purely on my disclosure of evidence of fraud and corruption in the legal system.
3. The dates and contents of the emails contained in this Notice are taken directly from the original emails, the originals are saved for verification if required.
4. The decision on my request for a writ of Mandamus on the Minister of Justice was postponed until Feb 14, 2022. On that date David Lametti invoked the Emergencies Act.

Justice who was recently appointed by Lametti was not present and matter postponed until Feb 28, 2024. When I asked for an explanation for the absence was told, on “holiday”.

5. My motivation and participation is based solely on my desire to access justice, restore the democratic principles enshrined in Canada's Constitution, enforce Ministerial and political responsibility, advocate for legal and political reform to better serve the people of Canada, and create a more trustworthy society for my children.

6. I have suffered significant personal loss throughout this process and have been living in a state of constant fear of abuse by those representing authority who claim they protect me.


7. Evidence, argument and transcripts available to public at [www.fundamentaljustice.com](http://www.fundamentaljustice.com), [ruleoflaw.substack.com](http://ruleoflaw.substack.com) and @RuleOfLawCanada on X/Twitter.

8. I have submitted briefs to Parliament including the Committee on the Status of Women debating Intimate Partner Violence and Toxic Masculinity, Justice and Human Rights debating Judges Act and Miscarriage of Justice, and before Senate Constitutional Affairs.

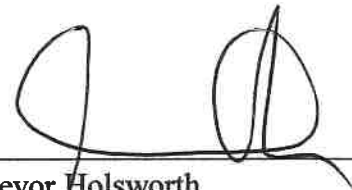
9. I communicated my concerns with the Speaker of the House, the relevant Parliamentary Committees, my MP, leaders of the Federal political parties, every Senator and on November 30<sup>th</sup> 2022 sent registered letters to the Provincial and Territorial Premiers.

10. I affirm this affidavit in support of my motion for leave to intervene..

Sworn by Trevor Holsworth )  
of the Village of New Denver, )  
British Columbia )  
this 23 day of March 2024 )

  
\_\_\_\_\_  
Commissioner for taking affidavits

Belinda Field Notary Public  
West Koots Notary  
1695 Columbia Ave.  
Castlegar, BC V1N 1J1

  
\_\_\_\_\_  
Trevor Holsworth



This is Exhibit "A" referred to in  
the Affidavit of Trevor Holsworth  
sworn before me on March 26, 2024



**A commissioner for taking affidavits**

Belinda Field Notary Public  
West Koots Notary  
1695 Columbia Ave.  
Castlegar, BC V1N 1J1

**NOTIFICATION  
CONSTITUTIONAL QUESTION ACT**

In the Provincial Court of British Columbia  
Regina v Trevor Russell Holsworth Court file 26418 Nakusp Registry  
Regina v Trevor Russell Holsworth Court file 26419 Nakusp Registry

**Constitutional Question Act**

**S 8(2) If in a cause, matter or other proceeding**

(a) the constitutional validity or constitutional applicability of any law is challenged

The Law in question:

Income Tax Act R.S.C., 1985, c. 1

s 238 (1) Every person who has failed to file or make a return as and when required by or under this Act or a regulation or who has failed to comply with subsection 116(3), 127(3.1) or (3.2) 147.1(7) or 153(1), any of sections 230 to 232, 244.7 and 267 or a regulation made under subsection 147.1(18) or with an order made under subsection (2) is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to

- a) a fine of not less than \$1,000 and not more than \$25,000; or
- b) both the fine described in paragraph 238(1)(a) and imprisonment for a term not exceeding 12 months.

Date of Trial: July 15<sup>th</sup>, 2021 at Nakusp

Particulars:

1. The Income Tax Act provides for a term of imprisonment which is contrary to the Charter of Rights as stated in Reference Re BC Motor Vehicle Act, 1985, 2 SCR 486

Furthermore

S 8 (2) (b) an application is made for a constitutional remedy

Particulars:

1. The Canadian Judicial Council claims by their letter to me dated August 28, 2007 that Judges have absolute unfettered discretion to accept or reject all evidence including the official court record, the transcript.
2. I served the Attorney General of Canada / Minister of Justice David Lametti on March 9<sup>th</sup> 2020 by registered letter through the office of the Deputy Attorney General's office as specified under serving the Crown on the Ministry of Justice website with a charter notice as per s 24(1) of the Charter of Rights.
3. The Charter Notice is attached in Appendix A.
4. No formal response was ever received.
5. No notification to Parliament was ever made.

6. I hereby apply for the constitutional remedy outlined in my Charter Notice to be applied, for the constitutionality of the Courts be checked by Parliament and other such remedies be provided as that court determines.

#### Appendix A

Delivered to Deputy Attorney General's office on March 9<sup>th</sup>, 2020  
Initials of the receiving agent is M F and the Canada Post item number is RN445243445CA  
A copy was also emailed directly to AG/MOJ David Lametti.

Trevor Holsworth  
Box 406 New Denver BC V0G 1S0

David Lametti  
Attorney General of Canada  
Department of Justice Canada  
284 Wellington Street  
Ottawa, Ontario  
Canada K1A 0H8

Federal Judges through the Canadian Judicial Council (CJC) are claiming the right to dispense arbitrary justice contrary to the principles of fundamental justice of which a lack of arbitrariness is the primary factor. The CJC claim that Federal Judges do not have to accept the official transcript of trial as the highest form of evidence possible, that they have the discretion to accept other evidence such as personal testimony in preference. A large number of problems follow from that position and have effected my rights personally and continue to do so. I have requested from the CJC that they explain how they can hold that position with regards to my Charter of Rights or submit my complaint in regards to their position to Parliament to get confirmation of its legality but they have denied both requests.

Section 24 of The Charter of Rights allows me to enforce my rights

*"(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances."*

The only Court of competent jurisdiction to judge the judges who judge the judges is Parliament. I have currently lost most of my legal rights except obviously my right to life but I am in fear of losing that. I am hereby applying to Parliament for the protection of my charter of rights. Obviously urgency is of prime importance.

Yours sincerely,

Trevor Holsworth



This is Exhibit "B" referred to in  
the Affidavit of Trevor Holsworth  
sworn before me on March 26, 2024

  
\_\_\_\_\_

**A commissioner for taking affidavits**

Belinda Field Notary Public  
West Koots Notary  
1695 Columbia Ave.  
Castlegar, BC V1N 1J1

## **Communications with the Prime Minister's Office**

**Trevor Holsworth to PM's office Nov 15, 2020**

I have been attempting to communicate with the Attorney General of Canada Mr David Lametti regarding problems with the administration of justice and getting zero response. There is a substantial breach in fundamental justice in the administration of Justice which poses a problem for all Canadians. The Canadian Judicial Council claims that federal judges have discretion to disregard the transcript of trial if they wish, like if they have the evidence of the plaintiff testimony on what she heard the judge say 6 months previously. I have pointed out to the CJC and to the Attorney General the problems that this has with 'fair and impartial' and 'fundamental justice'. The desire to protect ones colleagues is of course admirable however when it compromises every ethical position it causes more damage than resolving the situation. I have submitted a charter of rights claim, it has been received ( but ignored ) and requested that parliament to resolve the situation of judges claiming constitutional authority that does not belong to them. They do not have the right to dispense arbitrary justice and they do not have the right to claim the power of the gods - that their word is better than the transcript of trial. It is abusive on the same level as priests abusing little boys - and the government treatment of the situation, ignoring the problem is the same as the clergy closing ranks and ignoring the situation. I did also send briefs to the Parliamentary Committee on Justice and Ethics but they were removed from the system and not distributed to the committee members. I have attempted to communicate appropriately but ignoring me is abusive and shows a complete lack of integrity. I have also recently discovered that one of the transcripts of trial has also been altered which is interesting because I now have two transcripts of trial clearly demonstrating the attempt to



remove evidence of wrongdoing. There is a well documented procedure to follow for resolution.

**to PM's office Nov 21, 2020**

I think it important for me to state that given the seriousness of the matters that I bring up and my treatment thus far it is very fair for me to be extremely fearful of the government's lack of response. Why should I feel this way? I should feel safe. It is important to view this situation from my perspective.



This is Exhibit "C" referred to in  
the Affidavit of Trevor Holsworth  
sworn before me on March 26, 2024

Belinda Field

**A commissioner for taking affidavits**

Belinda Field Notary Public  
West Koots Notary  
1695 Columbia Ave.  
Castlegar, BC V1N 1J1

## **Communications with the Minister of Justice David Lametti**

**Ministerial Correspondence Unit - Mailout** <[MinisterialCorrespondenceUnit-](mailto:MinisterialCorrespondenceUnit-Mailout@justice.gc.ca)

[Mailout@justice.gc.ca](mailto:MinisterialCorrespondenceUnit-Mailout@justice.gc.ca)>

Thu, Feb 11, 2021

Dear Mr. Holsworth:

Thank you for your correspondence concerning your personal situation. The Office of the Prime Minister has also forwarded to me a copy of your correspondence. I regret the delay in responding. I hope you will understand that I am not able to provide legal advice to members of the public or to become involved in the matters you describe.

As you may be aware, there are several safeguards in place to ensure that the Canadian judiciary remains fully independent from the executive and legislative branches of government. These include the judicial complaints and conduct process managed by the Canadian Judicial Council (CJC).

The CJC is an independent body established by Parliament. Pursuant to sections 63-69 of the *Judges Act*, it alone is tasked with investigating complaints about the conduct of federally appointed judges. In the ordinary course, the CJC considers and disposes of such complaints pursuant to its publicly established procedure, which includes an assessment of whether a matter warrants the establishment of a formal inquiry.

I recognize that you are dissatisfied with the CJC's disposition of your complaint. However, to ensure respect for the fundamental principle of judicial independence, it would not be appropriate for me to intervene with the CJC on your behalf, nor, as a matter of law, would it be possible for me to do so.

While I note your concerns, I have every confidence in the CJC's capacity to deal effectively and appropriately with all matters that fall within its statutory mandate.

The *Canadian Charter of Rights and Freedoms* authorizes the courts to provide a remedy where fundamental rights and freedoms are infringed by government action. If you feel that your Charter rights have been infringed, it may be helpful for you to speak to a lawyer in private practice to determine the course of action that will best serve your needs. A lawyer may also be able to assist you in pursuing an appropriate administrative remedy. Most provincial and territorial law societies have a lawyer referral service, which can refer you to a lawyer who can provide you with an initial consultation for a small fee or at no charge.

The Federation of Law Societies of Canada website has a listing of these societies.

Respectfully,

The Honourable David Lametti, P.C., Q.C., M.P.

Minister of Justice and Attorney General of Canada

This is Exhibit "D" referred to in  
the Affidavit of Trevor Holsworth  
sworn before me on March 26, 2024



Belinda Field

**A commissioner for taking affidavits**

Belinda Field Notary Public  
West Koots Notary  
1695 Columbia Ave.  
Castlegar, BC V1N 1J1

## **My response to Minister of Justice David Lametti**

**Trevor Holsworth** Sun, Feb 14, 2021

To: Ministerial Correspondence Unit - Mailout <Ministerial.CorrespondenceUnit-Mailout@justice.gc.ca>, PrimeMinister/Premier Ministre <PM@pm.gc.ca>

Minister of Justice and Attorney General David Lametti,

Thank you for your response. I want you to know that I do understand the very difficult nature of this problem and the serious problem that it does present for the Canadian legal system. I appreciate you stepping forward to confront this incredibly sensitive issue and hope that we can foster a relationship based on respect for our common values and move forward in the right direction to improve the quality of our legal system for the future. There have been numerous attempts to contact you through your office as well instances where communications have been blocked so that elected officials do not receive the appropriate communication. I am not sure what communications that you have received. It appears that you have received my Charter of Rights application as served to the Deputy Attorney General. I am not sure if you are currently in possession of the United Nations Human Rights complaint that I made on behalf of all Canadians because your office ignored the Charter of Rights application. It may help our understanding if you could confirm the communications that you have received. In the spirit of open government, I have previously requested that ALL communications dealing with this matter, include me. I am aware that there is a division of powers between the executive, legislative and judicial branches of government as well as constitutional safeguards in order to prevent the abuses of those powers. Parliament, through your office, has the responsibility to ensure that the judicial branch of government does not overstep its constitutional boundaries, which it has, by claiming a

right to dispense arbitrary rather than judicial rule....

You cannot possibly have *"every confidence in the CJC's capacity to deal effectively and appropriately with all matters that fall within its statutory mandate"* when

a) the CJC is claiming that Judges are above the law - that their word can overrule the official transcript, which contravenes The Rule of Law as well as Fundamental Justice as required by the Charter of Rights.

b) whilst the CJC has previously maintained that their decisions are not open to appeal that was altered in 2019 by the federal court and the CJC was stated by that court to be "abusive" in the treatment of a judge. If the court finds the CJC abusive in the treatment of a fellow judge how can a regular citizen of Canada expect better treatment?

c) The CJC itself is asking for more clarification on its powers from Parliament. In regards to your statement that you have no legal right to pursue the action that I propose I refer you to The Ministry of Justice website, (<https://www.justice.gc.ca/eng/cons/fjdp-pdmf/3.html#sec311>)

*"Possibilities for further reform of the Federal Judicial Discipline Process Department of Justice Canada, JUNE 2016 The Minister is not bound by the CJC's recommendation; the option to seek a judge's removal by Parliament exists whether or not the CJC recommends that the judge be removed.....The roles of the Minister of Justice and of Parliament at the end of the judicial discipline process are critical. As noted,Parliament's role as the body tasked with actually removing a judge from office is set out in s. 99(1) of the Constitution Act, 1867.....By contrast, the Minister of Justice's role at the end of the judicial discipline process is nowhere set out. It is commonly accepted that the Minister's role is to receive the report required of the CJC by s. 65(1) of the Judges Act and to decide whether to ask Parliament to remove the judge. In*



*Cosgrove v. Canadian Judicial Council, 2007 FCA 103, at para. 64, the Federal Court of Appeal described the Minister's role in the following terms: As explained above, the Council has no power to remove a judge from office. That can be done only by the Governor General on the joint address of the Senate and House of Commons. If the question of removal is to be put before Parliament, it is the Minister who does so. It is open to the Minister to put the question to Parliament or to decline to do so. Like all acts of an Attorney General, the Minister's discretion in that regard is constrained by the constitutional obligation to act in good faith, objectively, independently and with a view to safeguarding the public interest...*

*...CJC inquiry committees and Councils of the Whole have taken the approach that if the judge's conduct is determined to fall within any of (a) to (d), the following question, usually called the "Marshall test", should be posed: Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the Judge incapable of executing the judicial office? Only if the answer to this question is yes will a recommendation for a judge's removal from office follow."*

Please explain how it can be appropriate for a judge to dispense with allegations of corruption and breaches of the criminal code by calling up the Plaintiff to refute the official court transcript. Would it also be appropriate conduct for a Judge to fabricate evidence in order to penalize a Canadian disclosing corruption, rather than merely ignoring evidence to protect a lawyer? The Canadian Charter of Rights authorizes a 'court of competent jurisdiction' to provide a remedy where fundamental rights and freedoms are infringed by government action. Parliament is named in the Constitution as the ONLY body authorized to dismiss a judge. It would be completely

inappropriate as well as abusive to compel me to appeal to the courts to judge their own conduct when their own governing body has overstepped its constitutional guarantee and claimed rights that are not theirs. Parliament is the appropriate court to make this decision. I have on numerous occasions requested the CJC do so but they have refused ultimately calling my request an abuse of process. To be absolutely clear I am not seeking legal advice, and whilst there is an unwanted personal component to this situation it is more important to emphasize that this situation applies to ALL Canadians.

I am also now clear in my understanding that a lawyer would be detrimental to the protection of my rights, in complete contradiction to their statutory duties. I have however contacted numerous lawyers, including the Canadian Civil Liberties Association, and legal academics, like Adam Dodeck specializing in Constitutional Law and the Charter of Rights and every single one either does not respond further upon receiving the evidence or claims that they are "no longer taking new clients". I understand this exactly for what it is -a closing of ranks within the legal profession in direct contradiction of the Rule of Law, that no-one is above the law.

If Canadians cannot trust the legal system to administer Fundamental Justice and the Rule of Law then the system collapses. The United Nations Charter of Human Rights Preamble outlines this problem succinctly,

*"Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,*

*Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to*

*rebellion against tyranny and oppression, that human rights should be protected by the rule of law,"*

Your DUTY is to be the Light and protect the Integrity of the Canadian legal system and the Rule of Law. History will be the final judge. At this time I have advised numerous government departments of the current problems and they are waiting for you to do your job. I am available to assist in this matter, but in fairness, like you, I should be paid for doing this job. Canadians would expect nothing less. It is simply abhorrent that the Canadian Judicial Council maintains a position that is in complete contradiction with the guarantees provided by the Canadian Charter of Rights.

Yours Sincerely,

Trevor Holsworth



This is Exhibit "E" referred to in  
the Affidavit of Trevor Holsworth  
sworn before me on March 26, 2024

A handwritten signature in black ink that reads "B. Field". The signature is written over a horizontal line.

**A commissioner for taking affidavits**

Belinda Field Notary Public  
West Koots Notary  
1695 Columbia Ave.  
Castlegar, BC V1N 1J1

## **Communications with RCMP National Division**

**Sent: December 30, 2020 8:27 PM**

To: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Subject: reporting Corruption in Canada

I wish to report corruption but am scared for my life. How can I be protected? How can I be confident I will be taken seriously? Can I make it anonymous?

**Date: 31/12/2020, 5:46 a.m.**

RE: reporting Corruption in Canada

From: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Good day,

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your email indicating you would like to make a report of corruption anonymously. National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

Under this mandate National Division Intake Unit investigates complaints concerning federally elected members of parliament and/or crown corporations. If your complaint falls within above noted mandate then you may wish to send a synopsis of your corruption complaint to be reviewed under the mandate.

If your complaint does not fall under the above mandate then any complaints of a criminal nature should be reported to the police of jurisdiction for the area where the occurrence took place.

This also includes any concerns you may have for your safety as you indicated you are scared for

your life.

Please note that complaints can be submitted anonymously, however if during the course of our review/investigation if there are questions or more information required for the investigation anonymous submittals do not allow for them to be answered and could result in a matter being concluded due to lack of information provided. Please be advised that the RCMP does not provide complainants name or information to anyone.

Thank you for contacting the RCMP National Division.

Sincerely,

Cst. WEBSTER

RCMP National Division - Intake Unit

**Sent: December 31, 2020 12:13 PM**

To: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Subject: Re: reporting Corruption in Canada

Thank you for your response. I will work on putting that together.

What about judicial corruption? Who examines that issue and if you say the Canadian Judicial Council who examines them because I've already been there and that is part of the problem.

**Date: 04/01/2021, 6:58 a.m.**

RE: reporting Corruption in Canada

From: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Good morning Mr. Holsworth,

If your complaint has to do with a federal judge then we would refer you to Canadian Judicial Council.

If your complaint has to do with provincial/municipal judges then each province has their own provincial judicial council. For example in Ontario you could contact Law Society of Ontario or Ontario Judicial Council.

You may also wish to contact a lawyer of your choice that maybe able to assist you.

Please note RCMP National Division Intake Unit is still currently waiting for a synopsis of your complaint to review under our mandate. National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

Thank you for contacting the RCMP National Division.



**Sent: January 5, 2021 2:29 PM**

To: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Subject: Re: reporting Corruption in Canada

Constable Webster,

Well I guess the complaint is no longer necessary to be anonymous.

The complaint has to do in part with a federal judge and I have been in contact with the Canadian Judicial Council (CJC). You see firstly I wanted to report a lawyer who created a fraudulent court order so I presented the transcript to Justice Duncan Shaw at trial who rejected that evidence and instead called up the Plaintiff and preferred her testimony and her lawyer's court order over the transcript.

I received a reply written by letter from Norman Zabourin, Executive Director and General Counsel of the Canadian Judicial Council on 28th August 2007, "in the Opinion of The Honourable Robert Pigeon Senior Associate Chief Justice of the Supreme Court of Quebec and Vice-Chairperson of the Judicial Conduct Committee of the Council" where my complaint was, as quoted "you complain Justice Shaw accepted the testimony of your former spouse and her lawyer instead of accepting the transcript. You also complain that Justice Shaw allowed a lawyer not to comply with an order The admissibility and weighing of evidence is a matter that falls within 'judicial discretion'.... the exercise of a discretion is not a matter of conduct."

I wrote back to the Canadian Judicial Council suggesting that their response posed a problem for the Canadian Charter of Rights and the Rule of Law not to mention the Administration of Justice however I did not receive a reply to that letter nor did I receive a reply to my Freedom of

Information Act request for documents in my personal file held by their office. I did however make a complaint to the CJC that Chief Justice Robert Pigeon should be subject to an investigation as to his fitness for office to hold a position that is contrary to the Charter of Rights which requires that they dispense "fundamental justice" and that it be "fair" and "impartial". The CJC responded by calling my complaint an "abuse of process" and rejected it. I had requested that Parliament be called upon to determine the legality of the Judges claim.

Following the failure to resolve the issue through the CJC I made the appropriate Charter of Rights application to the Attorney General and Minister of Justice Mr David Lametti and requested that Parliament investigate the matter. I have received no response to that communication and when pressed through the Prime Minister's office the Attorney General's office merely responded by stating that they do not provide legal advice to members of the public. I do note that it is the Attorney General's statutory duty to protect the public, the rule of law and the charter of rights.

I have sent emails already to the RCMP media contacts in British Columbia that Police should stop arresting people until this breach in the charter of rights has been resolved. Whilst the Courts are not providing fundamental justice it is imperative that Canadians including the Police pressure the Judges and Politicians to restore the Rule of Law and the Charter. How can my safety be assured?

Thank you for your attention to this matter.

Trevor Holsworth

**Date: 06/01/2021, 5:54 a.m**

RE: reporting Corruption in Canada

From: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Good day, Mr. Holsworth

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your complaint concerning your displeasure with a review outcome from a complaint you submitted to the Canadian Judicial Council in 2007. Upon review of the information you provided, it was determined that your matter does not fall within the National Division mandate. National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

As previously indicated to you on January 01, 2021 a complaint submitted to us concerning a federal judge would not fall under our mandate and we would refer you to the Canadian Judicial Council.

To assist you further with your complaint you may wish to contact a lawyer of your choice.

You may also wish to conduct follow ups with Canadian Judicial Council, Freedom of Information Act and Attorney General and Minister of Justice to obtain information you have requested, or for your questions to each to be answered.

Any safety concerns you have can be directed to the police of jurisdiction for the area where the occurrence took place. We regret we cannot be of any further assistance to you at this time

Sincerely,

Cst. WEBSTER

RCMP National Division - Intake Unit

**Jan 6<sup>th</sup>, 2021**

Constable Webster,

Thank you for your response. I have followed up with the Canadian Judicial Council and pointed out the problem that their decision to claim absolute power over Canadian citizen outside of their constitutional bounds under the rule of law and the charter of rights but they have refused to respond except to refuse to send the matter to Parliament for examination and to call my email an "abuse of process".

You state that the National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

1. I cant think of anything more important to safeguard than our constitutional guarantees can you?

2. I think it is also a significant threat to Canada's political, economic and social integrity dont you?

I have made a request of the Canadian Judicial Council under the Freedom of Information Act and have received no response. I have made follow up inquiries to the Review board and they have informed me that the CJC is not bound by the FOI Act and that there is nothing that they can do to compel the CJC to disclose any records to me.

I have made a Charter of Rights claim to the Attorney General and requested that the matter of Canadian Judges claiming a right to arbitrary rule contrary to the Charter of Rights be placed before Parliament but they have refused to respond. I contacted the PM's office requesting that

the AG/Minister of Justice Mr David Lametti respond and merely received a response stating the the AG's office "does not provide legal advice to members of the public."

I have submitted a claim to the United Nations because legal attempts within Canada have stalled, which I attach for your information as it also includes the correspondence to the Attorney General. The AG is charged with upholding the public interest. *"The Attorney General of Canada has a unique and profoundly important role. They stand at the heart of accountable government as the person responsible for defending the rule of law by ensuring that all government action is in accordance with the Constitution, including the Charter of Rights and Freedoms."*

What you have here is a coup. The Courts are saying that they are not subject to the Rule of Law, they are not subject to the Charter of Rights and they are not subject to Parliament. This is a problem that fits with your mandate precisely - to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

What do you think I should tell the police of jurisdiction for the area where the occurrence took place - the R.C.M.P. that I have not told you but you are not acting to protect me? Since the R.C.M.P. are still bound to comply with any order of a court which by definition is arbitrary since they reserve the right to ignore the best evidence that any Canadian can possibly provide ( the transcript ) and so are operating outside of their Constitutional boundaries and you are not willing to protect me but seem ok with the Charter of Rights being destroyed. Orders of the court operating outside of the law are invalid by definition.

This is the reason I have requested that the R.C.M.P. stand up for the Charter of Rights and stop the violation of Canadian's rights to a fair and impartial trial. The R.C.M.P. must stop arresting

people when you know that they will not have their Charter of Rights recognized by the Courts because the Judges have admitted that they are not doing so.

I am still very concerned regarding my security of the person, given the issues that I mention. I am not confident of the local R.C.M.P.'s ability to provide adequate protective security.

Let me know the steps you will take to protect the Charter of Rights? What else does the National Division Criminal Operations do if it doesn't do its job?

Thank you for your attention to this matter. I'm sure that you do appreciate the importance of the message that I provide.

**Jan 6<sup>th</sup>, 2021**

Mr Webster,

I hope that you appreciate that my concern is for the proper administration of justice and the enforcement of the Rule of Law and The Charter of Rights. It would be of great concern to all Canadians if the administration of justice were to fail due to the correct interpretation that it is not operating in a "fair" or "impartial" manner nor according to any rules of fundamental justice. This is of great concern to all Canadian's. If a murderer, a rapist, a politician or judge accepting bribes or anyone else that should be prosecuted and punished were to walk free because they could easily demonstrate that the court was not complying with the rule of law, or the charter of rights. That is a problem. This needs to be addressed as quickly as possible to resolve this situation for Canada.

...

Cosgrove v. Canadian Judicial Council, 2007 FCA 103, [2007] 4 F.C.R. 714 at paragraph 32

*“judicial independence does not require that the conduct of judges be immune from scrutiny by the legislative and executive branches of government. On the contrary, an appropriate regime for the review of judicial conduct is essential to maintain public confidence in the judiciary”*

You will however find, like me, is that if you talk to a lawyer they will refuse to give advice on this matter as it inherently causes a conflict in loyalties between their need to defend the legal institution regardless of the evidence and their requirement to uphold the law.

....

Furthermore someone in the administration of the parliamentary committee on human rights and justice who refused to put their name on their communication with me, despite my request, refused to allow my brief to be submitted to the committee, including a brief that the FOI Act should apply to the Canadian Judicial Council.

Preventing our elected officials access to information pertinent to their inquiries is Obstruction of Justice.

**Date: 07/01/2021, 11:07 a.m.**

RE: Your complaint to NDIU RCMP

From: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Good day, Mr. Holsworth

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your 4 emails in which you express your displeasure with our review outcome to your complaint, and continue to forward information as to why you believe your complaint falls under our mandate. As indicated to you in several previous emails National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity. Under this mandate we investigate matters concerning federally elected members of parliament and crown corporations.

Complaints concerning judges during court proceedings at any level of government dose not fall within our mandate. As you indicate that your complaint is concerning a federal judge the Canadian Judicial Council is where your complaint for this matter will be dealt with. If during the course of an investigation a criminal offence is determined, then they will forward the matter to the appropriate police of jurisdiction.

As previously indicated you may contact a lawyer of your choice to assist you further with your complaint concerning court proceeding that took place in 2007.

Again any concerns for your safety should be brought to police of jurisdiction.

If you are not satisfied with the service you have received from your local RCMP, you may wish to make a complaint with the Civilian Review and Complaints Commission for the RCMP. They



can be contacted by phone at 1(800) 665-6878, by mail at their “National Intake Office P.O. Box 1722, Station B Ottawa, ON K1P 0B3” or online by completing an online complaint form at <https://www.crcc-ccetp.gc.ca/en/make-complaint>.

Please note that the RCMP's involvement in this matter has been concluded. Unless you are requested by the RCMP to do so, it is respectfully requested that no additional documents be forwarded to the RCMP regarding this matter.

Thank you for contacting the RCMP National Division.

Sincerely,

Cst. WEBSTER

RCMP National Division - Intake Unit

**January 7<sup>th</sup>, 2021**

Constable Webster

<attachment – CJC Letter regarding Shaw by Chief Justice Pigeon>

Thank you once again for your continued communication.

I attach for your information the letter from the Canadian Judicial Council claiming that they have the discretion to reject the transcript of trial arbitrarily, not only completely lacking in fundamental justice, but blatantly unfair and partial. That is the gold standard we hold our judiciary too and it is completely contrary to the guarantees provided for by the Canadian Charter of Rights.

In your letter you state "Under this mandate we investigate matters concerning federally elected members of parliament"

I am not asking you to examine the conduct of the Judge, or the Canadian Judicial Council. It is the Attorney General of Canada whom is a federally elected member of Parliament that I wish you to investigate because he is abusing the rule of law.

The Duty of the Minister of Justice is laid out in s 4 of the Department of Justice Act and shall see that the administration of public affairs is in accordance with the law; have the superintendence of all matters connected with the administration of justice in Canada not within the jurisdiction of the governments of the provinces.

I also refer you to <https://pm.gc.ca/en/news/backgrounders/2019/08/14/review-roles-minister-justice-and-attorney-general-canada>

The R.C.M.P. cannot function without the Fundamental Rights of the Charter being enforced.

The Judiciary and the Courts cannot function if they operate outside of the Charter of Rights. It is absolutely imperative that the Rule of Law and the Charter of Rights is enforced.

What you are suggesting is that you would knowingly allow the Charter of Rights to be abused, including my own individual rights alongside every other Canadian.

The Administration of public affairs is NOT in accordance with the law. A Charter of Rights claim regarding my lack of fundamental justice in the federal courts has been duly served requesting Parliament be the judge in this situation AND has been completely ignored. The Minister of Justice is absolutely failing to comply with his job.

To suggest that you have no further involvement in this matter is a failing. You should absolutely be interested in further evidence. Failing to do so calls into question your responsibility under your mandate to stop corruption to "investigate matters concerning federally elected members of parliament". We are talking about crimes committed and political cover-up of those crimes.

THAT is the definition of corruption; the "dishonest or fraudulent conduct by those in power."

It is of course amazing to have this situation unfolding at the same time as the collapse of the United States President's attempted coup and the re-establishment of the Rule of Law and the upholding of the Constitutional guarantee's in that country. Which side are you on?

**January 8<sup>th</sup>, 2021**

Good day, Mr. Holsworth

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your email in which you request an investigation of Attorney General's Office for abusing the rule of law.

---

After reviewing all information, you have provided to RCMP National Division Intake Unit since December 30, 2020 it has been determined that you have not provided substantiated evidence of a criminal offence to be investigated concerning Attorney General or the Canadian Judicial Council under National Division Criminal Operations' mandate.

As previously indicated you may contact a lawyer of your choice to assist you further with any concerns or complaints you have concerning court proceeding that took place in 2007.

You may also wish to contact The Ombudsman to assist you with your complaint concerning the Attorney General. The Ombudsman can be contacted by phone at 1-800-263-1830, by email at, [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca) or online at <https://www.ombudsman.on.ca/have-a-complaint/make-a-complaint>.

As advised on January 07, 2021, RCMP National Divisions Intake Units involvement in this matter has been concluded. Unless you are requested by the RCMP to do so, it is respectfully requested that no additional documents be forwarded to the RCMP regarding this matter.

Sincerely,

RCMP National Division - Intake Unit

---

**Date:11/01/2021, 5:57 a.m**

**RE: Complaint to NDIU RCMP**

**From: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>**

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your email in which you request an investigation of Attorney General's Office for abusing the rule of law.

After reviewing all information, you have provided to RCMP National Division Intake Unit since December 30, 2020 it has been determined that you have not provided substantiated evidence of a criminal offence to be investigated concerning Attorney General or the Canadian Judicial Council under National Division Criminal Operations' mandate.

As previously indicated you may contact a lawyer of your choice to assist you further with any concerns or complaints you have concerning court proceeding that took place in 2007.

You may also wish to contact The Ombudsman to assist you with your complaint concerning the Attorney General. The Ombudsman can be contacted by phone at 1-800-263-1830, by email at, [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca) or online at <https://www.ombudsman.on.ca/have-a-complaint/make-a-complaint>.

As advised on January 07, 2021, RCMP National Divisions Intake Units involvement in this matter has been concluded. Unless you are requested by the RCMP to do so, it is respectfully requested that no additional documents be forwarded to the RCMP regarding this matter.

Sincerely,

RCMP National Division - Intake Unit

**Sent: January 11, 2021 2:12 PM**

To: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Subject: Re: Complaint to NDIU RCMP

Cst. Webster,

Thank you once again for your response.

As we previously discussed, I understand and never suggested that the investigation was about the Canadian Judicial Council as I understood that is not in your mandate because they are not a crown corporation. My concern is that the Minister of Justice is not complying with the law; he is responsible to see that the administration of public affairs is in accordance with the law.

Allowing Judges to conduct themselves in an unfair, partial and contrary to the principles of fundamental justice is a breach of the highest law of Canada, our Charter of Rights. I believe THAT is in your mandate. I thought that you, me and everyone in and out of Government have the responsibility to ensure that the Laws in Canada are enforced, particularly the Constitution and the Charter of Rights.

I note that you request that I do not provide evidence and that you have not reviewed evidence provided after December 30th, 2020. What happens if I have or discover further evidence - should I destroy it, or send it to the media instead. I do not understand why you would respectfully request that I do not forward anything. Im sure you realize that not all evidence is disclosed in the initial contact. It feels like you dont want to know more, and are refusing to investigate regardless of further information. Naturally this is a concern to all citizens, particularly when reporting corruption in Canada, where open government is the standard. Please explain what I should do next time I discover corruption in Canada.

I suppose there is probably a conflict of interest issue here. How could I reasonably expect the RCMP to investigate the Minister of Justice. Interestingly enough the Judge who initially disregarded the transcript of trial in order to protect a lawyer was also the subject of a previous complaint to the Canadian Judicial Council where essentially every Police Chief across Canada weighed in AND it was discussed in Parliament. Justice Duncan Shaw allowed child pornography to be a Charter right under freedom of expression but somehow also found it NOT a charter violation in my case to reject the transcript of trial submitted as evidence to correct a court order - which eventually post trial I did get changed. Just saying, that we are on the same side here, unless of course, we aren't.

**Date: 12/01/2021, 6:34 a.m.**

**RE: Complaint to NDIU RCMP**

**From: Nat\_Intake/Nat\_Triage-RCMP/GRC <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>**

Good day, Mr. Holsworth

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your email in which you continue to insist your complaint falls under national divisions mandate.

As previously advised upon review of the information you provided, it was determined that your matter does not fall within the National Division mandate for the RCMP to investigate. National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

As indicated to you on January 7, 2021 complaints concerning judges during court proceedings at any level of government doesn't fall within our mandate and is to be dealt with within the judicial system's.

The RCMP has provided you with the following referrals to assist you with your complaint(s).

- Canadian Judicial Council
- Contact a lawyer of your choice
- Police of jurisdiction for safety concerns
- Contact The Ombudsman. The Ombudsman can be contacted by phone at 1-800-263-1830, by email at, [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca) or online at, <https://www.ombudsman.on.ca/have-a-complaint/make-a-complaint>.



As advised to you on January 07, 2021 and January 11, 2021 the RCMP National Divisions Intake Units involvement in this matter has been concluded. Unless you are requested by the RCMP to do so, it is respectfully requested that no additional documents be forwarded to the RCMP regarding this matter. Any future communications sent to RCMP National Division, unless solicited by the RCMP concerning this matter, will not be reviewed and will be destroyed locally.

If you are not satisfied with the service you have received from RCMP National Division Intake Unit, you may wish to make a complaint with the Civilian Review and Complaints Commission for the RCMP. They can be contacted by phone at 1(800) 665-6878, by mail at their "National Intake Office P.O. Box 1722, Station B Ottawa, ON K1P 0B3" or online by completing an online complaint form at <https://www.crc-cetp.gc.ca/en/make-complaint>.

Thank you for contacting the RCMP National Division.

Sincerely,

Cst. WEBSTER

RCMP National Division - Intake Unit

**January 12, 2021**

Mr Webster,

Thank you once again for your communication. I understand that we have a difference of opinion regarding your mandate and what comprises significant threats to Canada's political, economic and social integrity. I thought it important to communicate to the very best of my ability my concerns to all appropriate persons. I understand that this will be our last communication and

although we have difference of opinions I remain open to re-establishing a connection in the future.

I wish to emphasize once again that my complaint is NOT at all about judges during court proceedings. Once again for the sake of clarification this is about the Minister of Justice and Attorney General NOT complying with their statutory requirements; and protecting a certain class of person, namely lawyers, and lawyers that have been promoted to be judges from investigation by Parliament as required by statute, specifically to protect the Charter of Rights of Canadians as well as the integrity of the legal institutions as required for public confidence. Once again it is impossible for the public to have confidence in the integrity of the legal institutions if they reserve the right to reject any and all evidence. The legal institutions become a religion based on faith not fact. Absolutely no Canadian will knowingly submit themselves to be tried in such a manner.

Thank you for the recommendations on referrals. As you know I have pursued those avenues and met with refusal to communicate on the matter whatsoever, because legally there is NO defense.

I am sure that you are aware of the Public Service code of conduct as well as the RCMP code of conduct so I don't really need to go over those documents but I am somewhat concerned that you would destroy evidence without examination but since I have seen that done before it doesn't surprise me but it is an embarrassment to ALL Canadians.



This is Exhibit "F" referred to in  
the Affidavit of Trevor Holsworth  
sworn before me on March 2<sup>6</sup>, 2024

*Belinda Field*

A commissioner for taking affidavits

Belinda Field Notary Public  
West Koots Notary  
1695 Columbia Ave.  
Castlegar, BC V1N 1J1

July 1st 2021.

## Judicial Abuse of Power

22

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### Improve the accountability of judges in Canada

**Judicial Abuse of Power**  
In the May 6th, 2021 edition of the Valley Voice I wrote a letter to the editor regarding a petition to improve the accountability of judges. The Canadian Judicial Council (CJC) was established in 1971 following the Landreville inquiry where criminal activity by a Judge was alleged. The CJC's role was to improve the system of

**The judge called the Plaintiff to the stand, requested perjury to protect the lawyer's fraud, and preferred that testimony, over the transcript.**  
They are a Liberal Party member of Justice and the law. I believe that the Liberal Party is a corrupt and dishonest party.

**for criminal conduct. The Canadian Judicial Council refuses to submit complaints to Parliament. The Minister of Justice is protecting lawyers and judges breaking the law.**  
The Minister of Justice is a Liberal Party member and is a corrupt and dishonest party. The Minister of Justice is a corrupt and dishonest party. The Minister of Justice is a corrupt and dishonest party.

**Quotes from the debate in Parliament:**  
We are a corrupt and dishonest party.



In the May 6th, 2021 edition of the Valley Voice I wrote a letter to the editor regarding a petition to Parliament to improve accountability of judges. This petition might disappear and never be presented to Parliament as the sponsor of the petition recently crossed the floor and joined the Liberal Party.

My involvement began when I witnessed criminal acts by lawyers and judges. A lawyer created a fraudulent court order. I requested that he correct his error but he refused. I presented the matter with the transcript at Trial to prove the fraud. The judge called the Plaintiff to the stand, requested perjury to protect the lawyer's fraud, and preferred that testimony, over the transcript. The Canadian Judicial Council (CJC) was established in 1971 following the Landreville inquiry where criminal activity by a Judge was alleged. The CJC's role was to improve the system of

justice and ensure that improper conduct met with proper discipline. In my complaint to the CJC the Chief Justice of the Quebec Supreme Court found nothing wrong with the conduct of the Judge, and dismissed the matter. I requested that the decision be reviewed by Parliament and they refused. The CJC claims that their word is above the law.

We have the Rule of Law and the Charter of Rights to prevent this abuse of power historically claimed by dictators. Their decision contradicts the rules that the CJC determined for their own conduct. “Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office?” and “Judicial independence exists for the benefit of the judged, not the judges. It is therefore to be assessed from the perspective of the reasonable observer and in light of the public interests it is meant to serve.”

A Judge that cannot determine the priority of evidence when presented with the transcript cannot be trusted with our rights, our finances, our lives, and our children. The Charter of Rights is an empty promise, our right to Appeal is arbitrary, and the foundation of Democracy is destroyed. I made the appropriate complaints to the BC Law Society about the conduct of the lawyers involved in the case. In addition to fraud a lawyer refused to comply with a court order to provide monthly trust account statements, admitted the crime in writing, and requested mercy. The complaint was dismissed, but written reasons for their decision were refused, contravening their governing statute.

I made a Charter of Rights claim in March 2020 Section 24 ( 1 ) of the Charter reads: “Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may

apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.” Since Parliament offers the only method for removal of a judge I wrote “The only Court of competent jurisdiction to judge the judges who judge the judges is Parliament. I have currently lost most of my legal rights except obviously my right to life but I am in fear of losing that. I am hereby applying to Parliament for the protection of my charter of rights. Obviously urgency is of prime importance.”

In November 2020 I wrote to the office of the Prime Minister Justin Trudeau and received a reply from the Minister of Justice in February 2021 where he regretted the delay in his response, claimed he was bound by the decision of the CJC, told me he is not able to provide legal advice to the public, and to get legal advice from a lawyer. But on the Ministry of Justice website they state: “The Minister is not bound by the CJC’s recommendation; the option to seek a judge’s removal by Parliament exists whether or not the CJC recommends that the judge be removed.....If the question of removal is to be put before Parliament, it is the Minister who does so. It is open to the Minister to put the question to Parliament or to decline to do so. Like all acts of an Attorney General, the Minister’s discretion in that regard is constrained by the constitutional obligation to act in good faith, objectively, independently and with a view to safeguarding the public interest.”

I attempted to get legal advice on the matter from lawyers but received few replies. The alternate to silence was “we are not taking on new clients at this time”, “it is not my area of expertise”, and “Given the information in your email I am not able to assist you now or in the future.”

The Canada Revenue Service through the RCMP served me with a notification alleging that I had not complied with the Income Tax Act and threatened imprisonment unless I attended court.

I informed the court of the problem presented by the CJC's letter as it affected my security of the person and pled Not Guilty.

I reported the conduct of the Minister of Justice to the RCMP anti-corruption squad in early 2020 failing in his duty to protect the public and the Charter. Their response was "we will destroy evidence". I requested that the RCMP stop arresting the public whilst our rights were not being respected by the Courts. No reply.

I was reminded of the presence of the Commissioner of Parliamentary Ethics by the SNC-Lavelin corruption scandal. I alleged to the Commissioner that the Minister of Justice is attempting to improperly protect the investigation of lawyers and judges and in April 2021 they accepted the complaint.

At the pre-trial hearing on May 20th, 2021 I requested protection of my right to life. My drivers licence and passport had been removed by the government and in this time of business closures by Covid and without the CERB benefits, I needed food to eat so that I could survive to trial.

DENIED. The Judge made it clear he was not interested in legal rights and intended to deny everything. I face the possibility of being incarcerated for up to 7 years as well as a hundred thousand dollars in fines. The stress of course is intolerable and abusive. In the CRA's notes on my file they include statements like "non-cap losses will reduce this to NIL, leaving no tax potential"

Judges claim a right to ignore everything we say, to solicit perjury and plant that evidence at trial to protect lawyers. The BC Law Society does not discipline lawyers for criminal conduct. The Canadian Judicial Council refuses to submit complaints to Parliament. The Minister of Justice is protecting lawyers and judges breaking the law.

In 1999 the conduct of Judge Shaw was debated in Parliament after he dismissed a self-represented accused of possession and distributing child pornography. The Judge protected him by claiming he had a “freedom of expression”. The Minister of Justice argued in Parliament for the justice system to self-regulate and Judge Shaw was not disciplined but left on the bench where three years later in my case he completed his destruction of the Charter. Shaw did “retire” soon after but not before the Canadian Judicial Council protected and approved his conduct.

Quotes from the debate in Parliament:

“We want people like Mr. Shaw to know that Canadians do not respect him, that parliament does not respect him,”

“Our citizens, men and women and children, are at risk because of this judge’s decision.”

“The courts are already dismissing charges as a result of the present ruling.”

“Who is on the hook if a judge screws up? It is the Prime Minister and the justice minister”

“we see the ultimate consequences of a completely unencumbered, unaccountable judiciary.”

“The whole issue of trusting the judicial process to address this tragic situation is wrong.”

“If we are ever going to send a message to the judiciary that parliamentary supremacy over legislation is meaningful, and if the public at large is going to receive that message as well, there is no better time to use this than at a time when something so offends the common sensibilities of people.”

You can view the evidence and more details at [www.fundamentaljustice.com](http://www.fundamentaljustice.com)

Please write a letter of support to [fundamentaljustice@gmail.com](mailto:fundamentaljustice@gmail.com)

Link to online newspaper go to page 11

<https://www.valleyvoice.ca/PDF/2016/ValleyVoice210701web.pdf>





This is Exhibit "G" referred to in  
the Affidavit of Trevor Holsworth  
sworn before me on March 2~~1~~, 2024

**A commissioner for taking affidavits**

Belinda Field Notary Public  
West Koots Notary  
1695 Columbia Ave.  
Castlegar, BC V1N 1J1

## **Parliamentary Ethics Commissioner Complaint regarding David Lametti**

From: Trevor Holsworth <sales@kootenayexperience.com>

Sent: May 4, 2021 9:36 AM

To: Conflict of Interest and Ethics Commissioner>

Subject: Re: Conflict of Interest - Minister of Justice

My concern as I indicated in my previous email is if Ethics Commissioner CANNOT, or WILL NOT investigate the Minister of Justice for failing to comply with his statutory duties. There is a difference and my recent email requested an answer to that question. Your office claimed that the Minister of Justice is NOT subject to the Conflict of Interest act. I cannot see that opinion expressed in any written rule. Canadians would be interested in a clarification.

From your 1st email reply to me:

*".....the Conflict of Interest Act for public office holders, which applies to ministers, parliamentary secretaries, ministerial staff and Governor in Council appointees; compliance with the Act is a condition of a person's appointment or employment as a public office holder (section 19). Both regimes deal specifically with conflict of interest, with the focus largely on ensuring that regulatees do not use their positions to further their private, largely financial, interests or the private interests of their relatives (and friends, in the case of the Act) or to improperly further the private interests of anyone else."*

On 2021-05-07 8:18 a.m., Conflict of Interest and Ethics Commissioner wrote:

Mr. Holsworth,

This is in response to your most recent email.

We apologize if our response to your previous emails gave you an incorrect impression about the application of the Conflict of Interest Act to the Minister of Justice. All ministers are subject to the Act. As we explained below, the Act deals specifically with conflict of interest. Its focus is largely on ensuring that regulatees do not use their positions to further their private, largely financial, interests or the private interests of their relatives and friends or to improperly further the private interests of anyone else.

Again, if your complaint regarding the Minister of Justice falls within the scope of the Act, you are welcome to use this form to send us specific information for the Commissioner's consideration.

Subject: Re: Conflict of Interest - Minister of Justice

From: Trevor Holsworth

Date: 2021-05-25, 8:23 a.m.

To: Conflict of Interest and Ethics Commissioner <info@cie.parl.gc.ca>

I have attached the complaint form along with other evidence and information to this email.

See attached pdf document "EthicsCommissionerMOJComplaint"

and also attached pdf document "attorney general delivery confirmation"

and also attached pdf document "attorney general application to parliament"

and also attached pdf document "correspondence with ag-pm-moj"

as well as the email string included below.

Thank you for your attention to this matter.

I remain yours truly,

Trevor Holsworth

**<PDF Document Ethics Commissioner MOJ Complaint>**

Summary of Alleged Contraventions of the Conflict of Interests Act.

The Deputy Attorney General's office was served with a Charter of Rights complaint on March 5th, 2020 as specified in the charter section 24.

I attach the charter complaint.

According to the procedure outlined in serving the Crown the Charter complaint was served upon the Deputy Attorney General's office.

I attach the record of receipt.

Follow up emails were sent to the Justice Department and to the Minister of Justice to encourage the appropriate response however the response was pretty much limited to "We do not provide legal advice to members of the public".

I attach a record of the email correspondence.

My understanding is that Minister of Justice has a duty to

1. Protect the Public

2. Administer the Judicial System to protect the integrity of the Legal System and the Rule of Law.

In order to perform his duty at a minimum is a requirement to respond to a charter claim with basic communication, My understanding is that there is no established procedure for calling upon Parliament to investigate a Judge and alleging breaches of the charter by the Judiciary beyond making a complaint to the Canadian Judicial Council who may make recommendations to the Minister of Justice. The Duty still lies with the Minister of Justice independently of the Canadian Judicial Council. There does not seem to be a set procedure for bringing about the Charter complaint to the attention of Parliament in the case of the Canadian Judicial Council and the Judicial system generally operating outside of the constraints of the Charter in the same way as there are set procedures for bringing matters to the attention of other federal courts. How this is done is left to the discretion of the Minister of Justice. At a minimum there should be a defence to the charter claim produced and for the requirement of transparency and accountability a notification to Parliament of the receipt of the charter claim. Completely ignoring the Charter claim is obstruction of justice and certainly does not perform the Minister of Justice's duty and is offensive to the Rule of Law and to the Charter of Rights itself. Judges, the Canadian Judicial Council, and the Minister of Justice seem to believe that they are not subject to the Charter of Rights which is deeply disturbing.

Application of Conflict of Interest Act.

Conflict of interest

4 For the purposes of this Act, a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.

– The Minister of Justice is refusing to exercise his duty to protect the public and administer the Judicial System to protect the integrity of the Legal System and the Rule of Law. He is doing so in order to improperly further his own and all members of the legal profession notably judges and lawyers, private interests, over that of the law – the charter of rights. Unfortunately it is also a coup d'etat and obstruction of justice.

#### Preferential treatment

7 No public office holder shall, in the exercise of an official power, duty or function, give preferential treatment to any person or organization based on the identity of the person or organization that represents the first-mentioned person or organization.

– preferential treatment to lawyer, judges that they are not subject to the rule of law, or to the charter of rights.

#### Anti-avoidance

18 No public office holder shall take any action that has as its purpose the circumvention of the public office holder's obligations under this Act.

– The Minister of Justice is refusing to exercise his duty to protect the public and administer the Judicial System to protect the integrity of the Legal System and the Rule of Law. He is doing so in order to improperly further his own and all members of the legal profession notably judges

and lawyers, private interests, over that of the law – the charter of rights. Unfortunately it is also a coup d'etat and obstruction of justice.

#### Condition of appointment or employment

19 Compliance with this Act is a condition of a person's appointment or employment as a public office holder.

#### Duty to recuse

21 A public office holder shall recuse himself or herself from any discussion, decision, debate or vote on any matter in respect of which he or she would be in a conflict of interest.

– Once the Minister of Justice has tabled the charter complaint to Parliament he should recuse himself.

#### Public declaration — recusal

25 (1) If a reporting public office holder has recused himself or herself to avoid a conflict of interest, the reporting public office holder shall, within 60 days after the day on which the recusal took place, make a public declaration of the recusal that provides sufficient detail to identify the conflict of interest that was avoided.

#### Annual review

28 The Commissioner shall review annually with each reporting public office holder the information contained in his or her confidential reports and the measures taken to satisfy his or her obligations under this Act.

#### Determination of appropriate measures

29 Before they are finalized, the Commissioner shall determine the appropriate measures by which a public office holder shall comply with this Act and, in doing so, shall try to achieve agreement with the public office holder.

#### Compliance order

30 In addition to the specific compliance measures provided for in this Part, the Commissioner may order a public office holder, in respect of any matter, to take any compliance measure, including divestment or recusal, that the Commissioner determines is necessary to comply with this Act.

#### **Subject: Message Receipt from CIEC**

From: Conflict of Interest and Ethics Commissioner <[info@cie.parl.gc.ca](mailto:info@cie.parl.gc.ca)> Date: 2021-05-25, 8:34 a.m.

To: Trevor Holsworth

This reply has been automatically generated to acknowledge successful receipt of your email.

The Office of the Conflict of Interest and Ethics Commissioner administers the Conflict of Interest Act and the Conflict of Interest Code for Members of the House of Commons. These two regimes seek to prevent conflicts between the public duties of elected and appointed officials and private interests.



From: Conflict of Interest and Ethics Commissioner <[info@cie.parl.gc.ca](mailto:info@cie.parl.gc.ca)>

Date: 2021-05-27, 1:08 p.m.

RE: Conflict of Interest - Minister of Justice

Mr. Holsworth,

Thank you for sending us your completed request for investigation form regarding the statutory duties of the Minister of Justice.

The information that you provided will be reviewed.



This is Exhibit "H" referred to in  
the Affidavit of Trevor Holsworth  
sworn before me on March 26, 2024

Belinda Field

**A commissioner for taking affidavits**

Belinda Field Notary Public  
West Koots Notary  
1695 Columbia Ave.  
Castlegar, BC V1N 1J1

**Excerpts from transcript December 3, 2021 in Nelson Supreme Court BC  
regarding application for Writ of Mandamus on the Minister of Justice**

Page 4

“The Provincial Court not providing me with the judge-made due diligence defence, that is provided for clients with income tax lawyers, says a great deal about this court's application of fairness and partiality when dealing with unrepresented litigants, which enforces the belief that lawyers do result in the protection of your rights and that not having a lawyer will result in the loss of your rights. However, my understanding is that I have presented a very valid freedom of expression defence regarding the reporting of criminal activity and breaches of statutory duties within the entire legal system that should result in the resolution of this matter today to change to a not guilty and the undertaking of investigations in this matter. It is disappointing, of course, that this was the only method of communication left available to me. I think it is important to take as many positive steps as soon as possible. Delaying or denying is helping no one. There is an obvious inherent bias in the Crown prosecution with their most senior officer currently not responding to a Charter complaint. Their governing body is claiming that lawyers have no duty to protect the public, are above the law, and there are no ethics and no trust in their institution at all. What larger Charter breach can there be than refusing to respond to a Charter complaint? Without the enforcement of the enforcement procedures, no law has any power. There is all the evidence here to issue an order for a writ of mandamus on the Minister of Justice to present this matter before Parliament as the only court of competent jurisdiction to resolve the issues before the court. Parliament does also share a responsibility with this justice system to resolve this matter fully and take the personal and collective responsibility that they owe to me and Canada.”

page 5

I do understand the bias for everyone who works for the government regarding the Income Tax Act as it does control much of the revenue for government and everyone here desperately wants to keep the threat of imprisonment available to the Canada Revenue Agency to enforce democracy, so to speak, which, in some ways, I also understand. But can you understand how being compelled to attend court before a judge with the discretion to ignore all the evidence and punish me with up to seven years imprisonment and penalize me up to \$200,000 in fines, felt like, from my perspective? The actual threats and abuse of processes at the RCMP are disturbing to say the least, but for many, not a surprise. The weaponization of the family law system by lawyers in Canada is a major problem for children in Canada, and the lack of proper procedures and protections is a failure in the administration of justice and is resulting in the abuse of hundreds of thousands of Canadians leading to suicides, drug and alcohol abuse, poverty and mental health issues, which compromise the integrity of our society. I am the unwilling messenger here doing my duty as a Canadian.

I'm simply going to provide my perspective. I won't presume to present the law as it is being made perfectly clear to me that only you really know the law and that I do not as I am not a lawyer or a judge. However, if you have questions, I would be available as a witness and to provide any assistance. However, I should be paid for the service in this matter. That is only fair and equal before the law. I shouldn't have had to do this job, as those that have been paid to do this job have failed to do so. That is really the problem here.

The administration of justice needs correction, but there is also the potential for Canada to

provide leadership to the world. We could lead judicial reform as the current system is rooted in several thousand years of abuse and oppression. We can do better, we should always keep an open mind, let go of attachments, face our fears and do the right thing. Thank you for bearing witness. I do appreciate the difficulty of the situation. I am

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attempting to do everything in my powers to resolve this professionally and correctly. I believe that I've made argument that you should be recused and that all judges --

...

THE APPELLANT: The examination of the issue of fundamental justice might compromise the ability of all involved here to provide me with a fair and impartial trial. The Judicial Council decided that judges have a discretion to accept or reject the transcript and refuse to permit that discretion to be reviewed.

Unfortunately, that makes this appeal arbitrary and unreviewable discretion is contrary to fundamental justice and democracy. It is, however, irrelevant now as I simply need your help to move this process forward in order to be afforded any legal rights...

Page 7

...

THE APPELLANT: The appeal is, by definition, arbitrary, because you have a discretion to ignore the transcript.

THE COURT: Well, I'm not bound by a ruling that the Canadian Judicial Council may have

made in another matter, so I don't see how it --

THE APPELLANT: That --

THE COURT: -- affects this case at all, sir.

THE APPELLANT: That is fine. I'm just putting out that argument and I'm accepting that -- that in order to move this case forward, I have to -- and in order to have any legal rights, I have to accept your -- you hearing the matter, because without that, I have no legal rights whatsoever.

THE COURT: So you're not asking me to recuse myself?

THE APPELLANT: No, I'm just pointing out that I have argument that suggests that --

THE COURT: You're not asking me --

THE APPELLANT: But I'm not asking you, no.

THE COURT: -- to recuse -- okay, thank you. Go ahead.

THE APPELLANT: Okay. It is, however, relevant now as I simply need your help to move this process forward in order to be afforded any legal rights. Thank you for your word that you will provide me with a fair and impartial trial. As you can imagine, this has been a very difficult thing for me to do, and yes, I do feel threatened all the time...

page 8

....

I think we all understand that what I am proposing in my argument is that there is a complete failure throughout the legal system of all accountability. Not once was the right thing to be done, done. The reporting of crimes led to retribution. Of course, I have fear. Judge Sicotte could have, in his discretion, sentenced me to seven years imprisonment. That's the risk that I -- was forced

upon me to report a crime in the justice system, claiming the reporting lawyer for fraud on the court and providing the transcript could be refuted by calling the plaintiff to the stand and requesting that she perjure herself to protect her lawyer and preferring that to the transcript is abhorrent to any sense of justice.

...

THE APPELLANT: It's to do with the provision of fundamental justice and that the Bill of Rights guarantees me a fair trial and I don't think I can get a fair trial if --

THE COURT: Now, in this matter, because of your experiences in the past?

THE APPELLANT: Correct. And the confirmation by the Judicial Council...

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...THE APPELLANT: In Provincial Court, after being promised a fair and impartial trial that any breaches of the Charter. In Provincial Court, after being promised a fair and impartial trial, that any breaches of the Charter would be addressed, the court then attempted to ignore constitutional question and subsequently claimed that their word was the law despite the evidence, and the complete lack of evidence of argument from the Crown. At trial, when I challenged the constitutionality of the Income Tax Act, I presented precedent and argument. The Crown presented no argument, no precedent. The judge ruled for the Crown. My evidence isn't good enough. I will never know that law as well as the judge. My rights to security of a person are being threatened by being here. I was threatened that if I don't attend court, you will imprison me. And if I do, you will imprison me. My right to legal advice and even my request for food to make it to trial were denied.

THE COURT: Are you again referring to the earlier matter?

THE APPELLANT: No, I'm referring now to this process. When I was at the pretrial hearings, I requested from Justice Brown the right to an amicus curiae. I tried to get legal advice. Amicus curiae was denied. Every attempt that I made to get lawyer's advice was denied by lawyers. They said – one lawyer said, "I will not represent you now or ever." I think I've got more quotes from lawyers scattered in here lower down, but I was denied the right to a lawyer. What hope do I have here? Chief Justice Pigeon, acting for the Canadian Judicial Council, dismissed Judge Shaw's complaint without proper procedure. The Council refused to reconsider their decision on several occasions, ultimately leading Norman Sabourin, lead counsel at the Judicial Council, writing to me that my

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requests were an abusive of process and refused to bring the matter to the attention of either the Minister of Justice or Parliament.

The claim that Parliament cannot review judicial discretion as not being an element of conduct is incorrect. Judge Shaw ruled based on his discretion in 1999 that the law on child pornography was unconstitutional. He also ruled in a previous case that being one minute late in filing a document was fatal. In my case, Judge Shaw ruled in 2006 that he could protect a lawyer committing fraud on the court by personally calling up the witness and requesting that she perjure herself. Those are elements of discretion. Are you seriously suggesting that Parliament cannot dismiss a judge who administers his discretion arbitrarily?....



THE COURT: So I'm not finding -- I'm not seeing the relevance of your earlier experiences relating to the trial that you had with Justice Shaw and the Canadian Judicial Council.

THE APPELLANT: Not seeing the relevance. It sets -- the Judicial Council sets the standard of conduct of judges, of federal judges, by their rulings. So they have set the standard that discretion is unreviewable, which is unconstitutional --

THE COURT: Well --

THE APPELLANT: -- and they have also set the standard that a judge can over up crimes committed by a lawyer. That's the problem.

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THE COURT: The Canadian Judicial Council reviews the conduct of judges. If you think a judge is wrong, you think they've ruled incorrectly, the thing to do is what you've done here, which is not a complaint to the Canadian Judicial Council, it's an appeal.

THE APPELLANT: I'm talking about the conduct of the judge, not -- I'm not -- I'm not going to appeal a decision, particularly when the Judicial Council claims that they have -- that judges have a discretion to accept or reject a transcript. The appeal is arbitrary. That's my point.

THE COURT: You're here appealing and I'd like very much to hear your submissions with respect to your appeal.

THE APPELLANT: That is what I'm doing. I'm not sure who came up with the concept of unreviewable discretion at the Canadian Judicial Council, but that decision should be reviewed for correctness. The whole matter of the mechanism of examination and discipline of federal judges requires significantly more efforts to correct than the current amendments proposed.

Historically, the Minister of Justice has denied that there was any further avenue within the review of judicial conduct except to go back to the Canadian Judicial Council. Obviously my understanding of the law has expanded from that point and the abusive nature of the Judicial Council has been examined in more detail before the court in the Justice Smith matter in 1999. I did share my experience with the Canadian National Judicial Institute and they kindly acknowledged my correspondence but refused to decline -- or declined to respond further. The failure of the Minister of Justice to respond to a Charter complaint to bring the matter before Parliament is why we are here today, to right a wrong. That is the function of the justice system. You simply cannot have it on the official record at the Judicial Council that judges have a right to ignore all the evidence that any Canadian could provide.

You are in the position of providing trust, but the evidence is contrary and it is killing people, destroying lives, bankrupting the people who you're supposed to serve. We need to find

Submissions for Appellant by Trevor Holsworth

solutions, not denial. The truth is that in a system based on the rule of law, unfettered governmental discretion is a contradiction in terms. Discretion necessarily implies good faith in discharging public duty. Fraud and corruption are always implied as exceptions.

When I reported crimes to the B.C. Law Society involving lawyers not complying with court orders to provide trust account statements, falsifying and redacting documents to obstruct justice and collusion, written reasons were refused in conflict with their government document, the Law Society Act. The Law Society requested the plaintiff's lawyer, Greg Stacey [phonetic] provide them with his trust account statements, but then refused to provide those contents to me. I

requested from Stuart Cameron by letter, Stuart Cameron of the Law Society of B.C., an explanation of how the Law Society was complying with their statutory duty to protect the public, but received no further communication, and I forwarded the matter on to the B.C. Ombudsman's office.

After a year of attempts to get the Law Society to provide written reasons, the ombudsman abandoned the investigation. Prior to being submitted to the discipline committee, the senior benchers, whom I believe the Attorney General of B.C. is a member, decided that on the basis of the evidence in front of them, there was insufficient evidence, which is true, because the Law Society had removed all the incriminating evidence from the file and informed me by letter of the evidence that was presented.

The conduct puts the integrity of the monopoly on the services provided by membership in the Law Society at risk. The refusal of lawyers to protect my Charter rights to a lawyer is a confirmation of the understanding of the problem regarding the letter from the Judicial Council. The failure to provide my right to legal representation by lawyers was held to be of little importance at the Provincial Court, as if the inclusion of a right in the Charter, in writing, is the same as providing the practical application of that right, and that is a mistake. The Crown prosecutor has a conflict of

Submissions for Appellant by Trevor Holsworth

interest in this matter, but unfortunately has refused to admit it. I am compelled to accept that as the only way to move this process forward efficiently. My request for a special prosecutor, due to the involvement of political actors, was not considered. Nor was my request for a proper

disclosure of conflict of interest was [indiscernible] by the Crown prosecution. All requests for evidence have been denied. That's a pretty bad start, but not a surprise, as every other attempt to communicate with the legal institutions prior to attending court were ignored. Argument for the use of alternative dispute resolution methods, as well as offers to assist in the provision of evidence to secure prosecution of other much more significant offenders, was ignored completely. Letters to the Attorney General's office and the Minister of Justice were ignored, including a Charter of Rights complaint to have the matter heard by Parliament, promptly served by registered mail to the Deputy Attorney General's office as required under law. The Minister of Justice office still has not provided a response to the Charter complaint, but the Crown is relying on a defence hidden somewhere in the appeal documents. The Minister of Justice is currently not complying with our governing document, and failing to respect my right to the reporting mechanism of the Charter, which is a crime of obstruction of justice.

I reported the problem to the Prime Minister's office along with allegations of improper tampering with the transcripts and the matter was referred back to David Lametti who finally replied and recommended that I hire a lawyer in private practice and that he does not provide legal advice to the public. The minister further claimed improperly that he had no duty to intervene in the process of the Canadian Judicial Council, which is a false statement, I believe designed to obscure the truth.

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I do understand the problem facing Canada in the form described in the book *Why Nations Fail* regarding political and legal institutions which have failed to comply to the rule of law and tend

towards dictatorships and abuses of power when the extractive nature of their administration becomes intolerable to an abusive degree resulting in their inevitable failure.

Richard Wagner and Beverley McLachlin have both acknowledged this reality. The Chief Justice of the Supreme Court, Richard stated [as read in]:

“Canadians have built a democratic system that truly works. It works so well that we often don't even notice it. It's like oxygen in the air, necessary for life, but not something we necessarily think about until it isn't there anymore by which point, of course, it's too late. We can't take what we've built for granted. Our nation and our institutions are strong because Canadians continue to have confidence in them. I'm not saying that all we've worked for here will disappear, but it can. Other countries know this very well. Their citizens once thought it can't happen here. It can't until it does. We live in troubled times.”

THE APPELLANT: That a person should be susceptible of being penalized administratively by a public servant without any possibility of exculpating himself by demonstrating due diligence is not only extraordinary. It is abhorrent. Contrast that the right of the Crown to demand any document and threaten imprisonment, and the complete failure of any disclosure, failure to comply with the law, the constitutional question and the Charter itself, and refuse me all assistance up against the paid might of the

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lawyers of the Minister of Justice office, the Attorney General's office, the FMEP, all public servants, and all private practice lawyers, is not fair and it shows partiality, particularly when

those bodies have shown no application of the rule of law. If the rule of law is not applied, then we run the very real risk of creating the disaster that the preamble to the United Nations Declaration of Human Rights warns us of.

I was a child in Kenya in 1974 when Idi Amin was in Uganda. I saw Rhodesia in all its glory before the coming of power of Robert Mugabe. I did my first year of law school in Canberra in Australia at the steps of the high court when Justice Lionel Murphy was being indicted on charges of perverting the course of justice, attempting to influence a court case involving a lawyer.

I understand the principles involved, as we all do here, everyone does, from my children under the age of ten, to every Canadian that I've talked to on the street. They say my case sounds like what we hear about Russia or China or some third world country.

I communicate the problems to my member of Parliament who refused to become involved. I communicated the problem to Jenica Atwin, when as the Green Party member of Parliament, she sponsored a petition to bring attention to judicial accountability. She crossed the floor less than a month later after being approached by the Liberal party. I communicated the problems to the Parliamentary Justice Committee of Human Rights and Justice, but a gatekeeper there deleted my submissions, including a submission to require the Judicial Council to be included in the list of government bodies subject to the Freedom of Information Act. My efforts to retrieve my personal files from that institution were being denied in contradiction to the open-court principle. The Parliamentary Ethics Commissioner has accepted a complaint regarding the conduct of Justice Minister Lametti.

I do understand the difficult nature of the issue and the desire to protect one's friends, but there are much larger issues at stake here. I do understand the lack of accountability at the level of MPs and the executive through Prime Minister Justin Trudeau and the Minister of Justice, David Lametti, and the Governor-General, Mary Simpson's office. I do understand that the lack of financial disclosure by MPs through the Lobbying Act is comparable to lawyers and judges not wanting their integrity examined.

Parliament has a significant part to play in this story. The issue of Judge Shaw's suitability as a judge was examined in Parliament in 1999 until the then Minister of Justice Anne McLellan pleaded Parliament for the justice system to self regulate and Justice Shaw was empowered to complete his destruction of the Charter during my trial in the family law system in 2006.

Parliament should take responsibility and complete their role which they abdicated at the time despite all the warnings that any reasonable person could see. In *R. v. Sharpe*, using a freedom of expression argument, Justice Shaw declared that the law against child pornography was unconstitutional.

I provided similar argument at trial but my defence was for the protection of the Charter of Rights, rather than its abuse of it. I was denied justice. That is not equal treatment under the law. As the Supreme Court of Canada held, the reference in the Charter to a free and democratic society is not a mere description. It is a final standard against which purported limitations on the rights the Charter secures must be measured. We had a chance to take this opportunity and create solutions that could benefit all of mankind and place Canada firmly in a position of leadership and inspire the rest of the world for the best result for humanity. Self-interest and short-term

interest are a problem that should always be openly discussed prior to decisions being made. This court has a role to complete the process according to law. In my earlier correspondence with the

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Minister of Justice and Prime Minister Trudeau, I wrote on several occasions concerning my security of a person and requesting assurances regarding my safety. That question has never been answered. The threat has been left hanging. I do need your personal assurance for my safety at this time. I watched the inquest into the assassination of Peter de Groot in Slokan by the RCMP held in this courtroom. It was not lost on me that a perception of a threat to the administration of the justice system in that case met with the loss of his right to life and a delay of seven years before the delivery of justice at that hearing. Interestingly, the mother of my children delivered the official pronouncement of death in that matter.

There is, however, a clear path forward, one that is grounded in the law and brings this matter to the attention of Parliament, a duty that they failed back in 1999 when they debated Judge Shaw's removal in Parliament. They too should take responsibility for their actions, although at this time, some accountability should be shared by the Prime Minister and Lametti. It is the right thing to do. This is exactly why s. 99 of the Constitution Act exists. It is the purpose of ministerial responsibility in a democracy. Delay will cause more damage and make recovery from this situation even more difficult. Denial serves no good purpose.

The issuing of a writ of mandamus for the Minister of Justice to present this matter to Parliament is the correct legal procedure to resolve this matter before the court. The Minister of Justice should remain impartial and refrain from further comment on the matter at Parliament due to his



conflict of interest. If you do have any questions on the precedence or some of the evidence of the law that I discuss, I would be happy to provide further details. I did not want to insult your intelligence and knowledge by assuming to inform the court of the law. I understand that judges are assumed to know the law. I can merely express my experience. Punishing me for being the messenger is incorrect and serves no societal purpose, will not reform me, and stop me -- or

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stop me standing my ground. The problems that this case communicates is a complete failure to apply the rule of law within almost all the structures of government when a duty is owed to protect the public, failure to protect the clients of the legal system and failure of the legal system itself. People under your care are committing suicide. Children are being abused and suffering. Justice is delayed and denied. Financial devastation for the people you serve. Those that should be subject to criminal charges are being released or minimally charged, with lawyers receiving payment that is far above that which is justifiable merely for their services.

When corruption is accepted by the government, nations inevitably fall -- fail. It has been proven again and again throughout history. The constitutional requirement for Parliament to legislate for the peace, order and good government, requires that this matter be sent to Parliament, due to the successive failures within the legal system to self-regulate. There has been a failure in the public trust and a breach of our governing documents. The Crown unfortunately is still maintaining that nothing here indicates a possibility that there could be a failure to provide a fair and impartial trial. That argument implies that lawyers can alter court documents. They don't have to comply with court orders. Their law societies may protect their conduct and apply a system designed to

sidestep the requirements of their governing act of Parliament to provide written reasons. The Law Society refuses – refusing to respond to my written request for an explanation, given the facts, that they are complying with their governing statute that provides for their monopoly. Judges claim that they have an unbounded and unreviewable discretion, contrary to the Charter and fundamental justice. The Minister of Justice is actively obstructing justice and refusing to present the problem to Parliament. All evidence in the government hands is refused to me: the Canada Revenue Agency audits, the records of the Canadian Judicial Council,

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court records from 2006 at this court.

At trial in Nakusp, judge promised me a fair trial, but then claims he knows the law and actively avoids trying to judicially determine if the Income Tax Act is unconstitutional. Upon further investigation by Crown, they can find no such decision to justify that verdict. Crown further claims that anything else out of a very narrow interpretation of the facts is relevant, and that my opinion and experiences are irrelevant.

This court claims that they could have legitimately exercised their discretion and sentenced me to seven years in jail for bringing the matter of corruption in the legal system to their attention, despite my pleas for mercy and complying with my sworn oath to uphold the Charter of Rights which everyone here has sworn to uphold. The entire public service, the combined legal powers of the Attorney General of B.C., the Attorney General of Canada and the Minister of Justice offices, plus the denial of service from every lawyer, including civil liberties groups and constitutional lawyers, obstruction of justice by the Minister of Justice and denial of my right to

answer to a constitutional question prior to trial, and you still claim that you can provide me with a fair and impartial trial.

Let's go out on the street and ask some random Canadians how they feel about the question which the court denied me asking the Canada Revenue Agency at trial. Today I request a full and complete judicial resolution of this matter. The consequences of a failure to act is a continuation of the abuse upon myself and the continuation of the failure and the rule of law, subsequent failure to resolve the lack of confidence that people have in the justice system. The success of the justice system is being judged from an incorrect perspective. The correct perspective is that of the Canadian people.

The Charter's reference to a free and democratic society is not a mere description as the Supreme Court held. It is the final standard against which purported limitations on the rights the Charter secures must be

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measured. It is true that rights must sometimes be limited, even in a free and democratic society, but the Charter exists because of recognition by its framers and by their constituents that those in power are apt to disregard rights and to seek to limit them for the sake of convenience, or out of ignorance or even spite or hatred.

Some limitations may appear defensible in principle, but on closer examination, not supported by evidence or go too far, or do more harm than good. But others are incompatible with a free and democratic society as a matter of principle. It is unnecessary to scrutinize their tailoring to their purpose or way of their effects. The Charter bars them categorically. The imposition of official

beliefs or the requirement to express beliefs is the sort of thing that simply must not happen in a free and democratic society. It is incompatible with freedom and democracy. Claiming that we must trust the court system despite evidence to the contrary and threaten jail for contempt, would not be lawfully enforceable. Political beliefs, such as discussion regarding the powers or abuse of powers of the court should not be treated any differently.

Ultimately this case is about abuse of power, the limits of discretion and the rule of law, and the capability of our system to internally regulate. We are seeing societal collapse because of these failings. Society's confidence in our political systems, legal systems, enforcement systems and the role of family, and bringing the next generation into a world that will keep them safe and act in their best interest. We are all failing and calling it a success.

THE APPELLANT: Last month I wrote to Prime Minister Trudeau but received no reply. I wrote [as read in]:

[ The letter to the Prime Minister dated Feb 14, 2021 is read to the Court ]

My argument is that the court system is not providing fundamental justice. It's not providing a fair and impartial trial. I also am presenting argument that we need to have a writ of mandamus served on the Minister of Justice to comply with his duty. I am available if you have further questions on those matters, but that's what I'm asking for.

THE APPELLANT: Okay. So the grounds of appeal, I have no ability to pay the fine. I did present argument to the judge, and I expressed all the efforts that I had of due diligence and the fact that I had communicated to every person of authority to resolve the issue. I even made

efforts to pay by the same method that Judge Shaw allowed me, which was the shareholder's

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loan. I expressed the fact that I had no means to move forward. I couldn't -- I had no funds to even get the ball rolling to do anything. He heard those arguments, but because the Income Tax Act is an absolute liability offence, the excuses of due diligence were not available to me. The court has never addressed the issue of the abuse of process inherent in these procedures. They either said that the Provincial Court is not subject to the Canadian Judicial Council because it's a provincial matter, which is true, and I accepted that, but I made the argument then that this appeal to this court is arbitrary because of the discretion that is claimed by the Judicial Council. So as I read in the grounds for the appeal, "compelling an accused to stand trial would violate those fundamental principles of justice which underlie the community's sense of fair play and decency and would tarnish the reputation of the court", as quoted in Conway [phonetic].

Procedural irregularity during a criminal trial that is an error of law may amount to a substantial wrong or a miscarriage of justice, can lead to a conviction being thrown out. Such is the strength of the law's concern for proper procedure. I think I've addressed that. Usually a court can defer rulings. However, where the interest of justice necessitate an immediate decision, this will include where the trial at court itself is implicated in a constitutional violation, or a substantial ongoing constitutional violations require immediate attention. I think I've addressed that one as well. It is an error of law to dismiss constitutional question regarding the constitutionality of the court by claiming it is a frivolous, vexatious argument. So the judge did say that it wasn't a frivolous and vexatious argument. He said it's a very large argument, but not one that he could

address in the Provincial Court, basically saying he has no jurisdiction to deal with it and passed it on.

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was facing up to seven years imprisonment for trying to apply the rule of law and to bring the Charter of Rights into force.

THE COURT: All right. I think I understand your position.

THE APPELLANT: Okay.

THE COURT: Thank you. Go ahead.

THE APPELLANT: Thank you. So I think I go on there insisting that I attend the court under threat of imprisonment that claims a discretion in regards to the best evidence that a Canadian can provide is contrary to fundamental justice. No Canadian can come into court and feel fair when -- then the court has right to reject every piece of evidence that they present, and that is my situation that I understand the situation that's telling -- the system is telling me, and that lawyers are allowed to fabricate evidence and they're not -- that the law does not apply to them, and that their governing body is protecting [indiscernible], contrary to their statutory duty.

As far as judicial conduct goes, the test is, is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of a judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office and must be seen from the perspective of the public, not the judge. That's the Canadian Judicial Council's test of judicial conduct, and they confirmed that Judge Shaw conduct was okay. So that's saying to me that that conduct is okay here in Canada. I'm saying I

don't think so. I think that if you walk down the street here and ask people, you would find that no one would accept that as being justice.

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There is a miscarriage of justice that requires this court to issue a writ of mandamus upon the Minister of Justice to do his duty to:

(a) protect the public, and (b) see that the administration of public affairs is in accordance with the law.

THE APPELLANT: The test is set out in the case of *Apotex v. Attorney General of Canada*.

There must be a public duty to act, which I think we all agree that the Ministry of Justice has that. The duty must be owed to the applicant. I am the applicant, the duty is owed to Canadian public. There was a clear right to the performance of that duty. I made a Charter of rights application and it was ignored. The applicant has satisfied all conditions precedent giving rise to the duty. I served it on the Deputy Attorney General's office by registered mail. It was received and signed for. And then: There was a prior demand for performance of the duty; a reasonable time to comply with the demand – It's been over a year and a half.

THE COURT: So this all relates back to Justice Shaw; is that right?

THE APPELLANT: Well, this just relates to --

THE COURT: But that is the duty you say that --

THE APPELLANT: To protect the public.

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THE COURT: All right, but specifically in relation to --

THE APPELLANT: Yes, it is. It's more to do with the decision of the Canadian Judicial Council.

THE COURT: Okay, thank you.

THE APPELLANT: And I guess the justice -- Chief Justice Pigeon acting there, his decision to say that judges have unbounded discretion.

...a subsequent refusal which can be either expressed or implied... I just got nothing. It's been over a year and a half now, unreasonable delay. I think that answers that one. No other adequate remedy is available to the applicant.

I've got nowhere to go in Canada. I've made applications to the United Nations because the Canadian Minister of Justice is not complying with the Charter. I have no human rights.

The order sought will be of some practical value or effect. The practical value or effect is that the rule of law in the Charter that rights will be maintained. Failure to do that is saying there is no rule of law and there is no Charter. The Court in the exercise of its discretion finds no equitable bar to the relief sought. On a "balance of convenience" an order in the nature of mandamus should...issue. It is the right thing to do. It puts the responsibility where it should be, at the Minister of Justice level, and it puts the responsibility at the Parliament where it also should be, because they play a part in this. There is no way that Justice Shaw should have been let back onto the bench, and that would have prevented all these problems. The fact that he allowed the lawyer to break the law in his



courtroom is abhorrent to justice.

The Minister of Justice lied to me directly. He said, "I have no capability" – he said that, "The Canadian Judicial Council has full responsibility. I can't, I have no legal rights here. I can't touch the application." That is absolutely categorically not true. So I've got the Minister of Justice making false statements to me. I've got the RCMP arresting me for making false statements when I hadn't even made a statement, and they're placing me in the back of a police vehicles with my hands behind my back, and then releasing me and then cancelling the court date on the day of the court case, so I had no right to defend myself. This is my only opportunity. I'm not voluntarily going to the court to be abused. I'm only here because I was compelled to be here. If I didn't come here, you would throw me in jail.

My understanding is that there is no established procedure for calling upon Parliament to investigate a judge alleging breaches of the Charter by the judiciary beyond making a complaint to the Canadian Judicial Council who may make recommendations to the Minister of Justice. The duty still lies with the Minister of Justice independently of the Canadian Judicial Council. How this is done is left to the discretion of the minister. But, as always, his discretion is constrained by the requirement to act in good faith and upholding the rule of law. The Charter is part of the supreme law of Canada, and any law or government decision inconsistent with it is of no course or effect. Both in the provision of legal advice and in litigation, the Attorney General demonstrates the greatest possible commitment to respecting constitutional rights.

So as I say in the next paragraph, dismissal to properly address the freedom of expression argument that I made in the Provincial Court, the verdict and the sentence should be struck from the record. Of course, with my Charter rights restored, I can see no need for a court order

compelling me to file income tax statements. I

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just need the capacity to pay the account, and then it would be my pleasure.

I am seeking at this time immediate payment for Charter damages to this point, including breaches of my security of person by forcing me to stand trial and ignoring all of the abuse of process arguments, refusal in practice to be bound by the Charter of Rights and international agreements such as the U.N. Charter of Human Rights and any further remedies that this court feels important to resolve at this time. I leave that to your discretion.

In regard to sentencing, I think I've addressed that as well. It's going to have no – any punishment is not going to have any of the values of punishment. It's not going to deter from -- me from trying to assert my Charter of Rights. It's not going to right a wrong. It's not going to what -- make -- pay back to society or any – on that. I'm here trying to protect the Charter and I'm being punished for it. Lastly, the rule in the Jordan ruling on the length of trial of 18 months, the Information was sworn on January the 8th, 2020 and the trial was held on July 15th, 2021, 18 months and seven days late. My right to a fair and impartial trial was not provided prior/since.

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THE COURT: Oh, all parties will have leave to appear by phone.

CNSL M. ERINA: Okay.

THE COURT: For February 14th at two o'clock.

**FEDERAL COURT OF APPEAL**

BETWEEN:

**ATTORNEY GENERAL OF CANADA**  
Appellant

and

**CANADIAN CONSTITUTIONAL FOUNDATION**  
Respondent

and

**TREVOR HOLSWORTH**  
proposed intervenor

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**WRITTEN REPRESENTATION OF THE PROPOSED INTERVENOR**  
(Motion for leave to intervene pursuant to Rules 109 and 369)

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March 26, 2024

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**FEDERAL COURT OF APPEAL**

BETWEEN:

**ATTORNEY GENERAL OF CANADA**  
Appellant

and

**CANADIAN CONSTITUTIONAL FOUNDATION**  
Respondent

and

**TREVOR HOLSWORTH**  
proposed intervenor

**WRITTEN REPRESENTATIONS OF THE PROPOSED INTERVENOR**  
(Motion for leave to intervene pursuant to Rules 109 and 369)

**OVERVIEW**

1. The motion for leave to intervene is to provide the court with evidence relevant to the inquiry that has not been presented by the other parties.
2. The evidence of the proposed intervenor suggests that the Minister of Justice knew that he was failing to comply his Ministerial duties to protect the public and ensure that the administration of government is in compliance with the law.<sup>1</sup>
3. The evidence suggests that David Lametti made false and misleading statements to obstruct justice<sup>2</sup>, therefore was not conducting himself with the requisite “good faith” that his office

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1 Exhibit “D”

2 Exhibit “C”

requires and that he knew or ought to have known that a request for accountability was pending in the Court system of British Columbia, regarding his conduct.<sup>3</sup>

4. The evidence suggests that the PM knew or ought to have known that his Minister of Justice was not conducting himself in “good faith” and was failing in his duties to protect the public and ensure that the administration of justice was in compliance with the law.<sup>4</sup>

5. The proposed intervener seeks to provide the court this evidence and make the legal arguments in regards to the failure of good faith of the Minister of Justice which is further evidenced by the refusal of David Lametti and the current Minister of Justice Arif Virani to provide the legal opinion provided to Cabinet for invoking the Emergencies Act.<sup>5</sup>

6. The Proposed Intervener presents unique evidence and legal arguments focused on the allegedly good faith opinion of the Minister of Justice as to the reasons for invoking the Emergencies Act.

7. This evidence will assist the court in its role in determining the legality of the decision to invoke the Emergencies Act.

8. There is significant public interest in the decision to invoke the Emergencies Act, the justification and the public right to access a fair and impartial tribunal in compliance with fundamental justice as guaranteed in the Charter of Rights and Freedoms.

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3 Exhibit “H”

4 Exhibit “B”

5 During questioning before the Parliamentary Special Committee on the Declaration on the 27 February 2024

## **PART I – STATEMENT OF FACTS**

### **A. The Appeal**

9. This is an appeal by the Attorney General of Canada of the Federal Court's judgment in 2024 FC 42 by Justice Mosely declaring that the invocation of the Emergencies Act was not reasonable, not justified, unconstitutional and illegal.<sup>6</sup>

### **B. The Parties and other potential interveners**

10. The Respondents to the Appeal is the Canadian Constitutional Foundation

11. The Appellant is the Attorney General of Canada.

12. The Attorney General of Alberta has applied for leave to intervene.

### **C. The Potential Intervener**

13. I am a citizen of Canada who is a participant and witness to evidence that is relevant to the inquiry before the Court<sup>7</sup>

14. The potential intervener has demonstrated significant diligence in his duty as a citizen to confront and expose abuse of power, fraud and corruption.<sup>8</sup>

15. The allegations made by the potential intervener are extremely serious and require a thorough examination before the Court to assist in the restoration of trust in our purportedly transparent and accountable democratic institutions.

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6 [Decision of Justice Mosely Jan 23, 2024 para 372](#)

7 Affidavit of Trevor Holsworth of March 26 2024

8 Exhibit "A", "D", "E", "F", "G", "H", Affidavit of Trevor Holsworth March 26 2024 (4-9)

[Contributions to Parliamentary Committees](#)

[Parliamentary Committee on the Status of Women](#)

[Parliamentary Committee on Justice and Human Rights – Judges Act](#)

[Parliamentary Committee on Justice and Human Rights – Wrongful Convictions](#)

[Parliamentary Committee on Constitutional Affairs – Judges Act](#)

## PART II – POINTS IN ISSUE

11. The issue for determination on this motion is whether the Court should grant the Intervener leave to intervene in this appeal and, if so, the terms of their intervention.

## PART III – SUBMISSIONS

### A. The test for leave to intervene under rule 109 FCA

12. In deciding whether to grant leave to intervene, the Court is to consider three factors: usefulness, genuine interest, and consistency with the interests of justice:

- I. Will the proposed intervenor make different and useful submissions, insights and perspectives that will further the Court's determination of the legal issues and perspectives that will further the Court's determination of the legal issues raised by the parties to the proceeding, not new issues? To determine usefulness, four questions need to be asked:
  - What issues have the parties raised?
  - What does the proposed intervenor intend to submit concerning those issues?
  - Are the proposed intervenor's submission doomed to fail?
  - Will the proposed intervenor's arguable submissions assist the determination of the actual, real issues in the proceeding?
- II. Does the proposed intervenor have a genuine interest in the matter before the Court such that the Court can be assured that the proposed intervenor has the necessary knowledge, skills, and resources and will dedicate them to the matter before the Court?
- III. Is it in the interests of justice that intervention be permitted? A flexible approach is called for. The list of considerations is not closed but includes at least the following questions:
  - Is the intervention consistent with the imperative in Rule 3 that the proceeding be conducted “so as to secure the just, most expeditious and least expensive outcome”? For example, will the orderly progression or the schedule for the proceedings be unduly disrupted?
  - Has the matter assumed such a public, important and complex dimension that the Court needs to be exposed to perspectives beyond those offered by the particular parties before the Court?
  - Has the first-instance Court in this matter admitted the party as an intervenor?
  - Will the addition of multiple intervenors create the reality or an appearance of an “inequality of arms” or imbalance on one side?<sup>9</sup>

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<sup>9</sup> [Le-Vel Brands, LLC v Canada \(Attorney General\)](#), 2023 FCA 66 at paras 7-8, 19 [Le-Vel Brands]; see also [Canada \(Citizenship and Immigration\) v Canadian Council for Refugees](#), 2021 FCA 13 at para 5 [Canadian Council]; [Sport Maska Inc v Bauer Hockey Corp](#), 2016 FCA 44 at paras 37-43 and 71-75 [Sport Maska].



13. The critical and overarching question for the Court is whether the proposed intervenor will bring “different and valuable insights and perspectives” that will assist the Court in determining the issues in the case.

## **B. The Intervener should be granted leave to intervene**

### **1. The Interveners' intended submissions**

14. In order to make the correct decision the court should hear from the public perspective, whom the Canadian government and legal system serves.

15. The Minister of Justice knew that he was failing to protect the Public Interest.<sup>10</sup>

16. The Minister of Justice knew that the administration of government was not in compliance with the law.<sup>11</sup>

17. The Minister of Justice knew or ought to have known that the Court system had been presented with submissions of a failure in the rule of law throughout the legal system and a request for Ministerial accountability through a Writ of Mandamus.<sup>12</sup>

18. The Minister of Justice knew that his conduct was not in good faith as he knew he made false and misleading statements as to his duties.<sup>13</sup>

19. The Minister of Justice failure to provide the Court, Parliament and the Public with his legal opinion for the invocation of the Emergencies Act was because it was false and misleading and it was not in the public interest.<sup>14</sup>

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10 Exhibit “B”, “D”, “G”, “H”

11 Exhibit “A”, “C”, “D”, “G”, “H”

12 Exhibit “A”, “F”, “G”, “H”

13 Exhibit “C”

14 Exhibit “A”, “C”, “D”, “G”

20. The Minister invoked the Emergencies Act not because of a national emergency as could be justified under the Act but because the government was not in compliance with the law<sup>15</sup> and could not legitimately enforce the law.

**(i) The Interveners' submissions are distinct**

21. The proposed intervenor will bring different and valuable insights and perspectives to this appeal and their submissions will assist the court in the determination of the issues in the proceeding. The evidence provided will ensure that the Court has a comprehensive understanding of the specific impacts affecting the general public and the rule of law.<sup>16</sup>

22. The evidence of the proposed intervenor includes personal communications with the Prime Minister's Office<sup>17</sup> and the Minister of Justice<sup>18</sup> demonstrating their knowledge of their failures to comply with their oaths of office to protect the public and ensure that the administration is in accordance with the law.

23. The evidence of the proposed intervenor demonstrates efforts to bring accountability and transparency including personal communications with the RCMP National Division<sup>19</sup>, Parliamentary Ethics Commissioner<sup>20</sup> as well a service of the Enforcement Procedure of the Charter, a Constitutional Question on a failure to respond to the Enforcement Procedure<sup>21</sup> and an application for a Writ of Mandamus on the Minister of Justice.<sup>22</sup>

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15 Exhibit "A", "D", "G", "H"

16 Affidavit of Trevor Holsworth March 26 2024 paragraph 2

17 Exhibit "B"

18 Exhibit "C", "D"

19 Exhibit "E"

20 Exhibit "G"

21 Exhibit "A"

22 Exhibit "H"

**(ii) The Interveners submissions will assist the Court**

24. The arguments that the intervener intends to make are not “doomed to fail” as the administration of government is a public service so the perspective of the public is paramount.

25. It is the submission of the intervener that the Minister of Justice invoked the Emergencies Act because he perceived a threat to national security not from the conduct of the Public but from the conduct of those in authority breaching the Charter requirement for the Rule of Law. Instead of the Minister doing his duty David Lametti made false and misleading statements<sup>23</sup> as to his duty to obstruct justice in a display of bad faith which fundamentally compromises the legitimacy of his claim of authority.

**The Intervener has a genuine interest in the appeal and relevant expertise**

26. To qualify for public interest standing, the litigant must demonstrate that:

- (1) there is a serious issue as to the validity of the legislation or administrative action;
- (2) they have a genuine interest in the measure’s validity; and
- (3) that the litigation is a reasonable and effective way to bring the matter before the court<sup>24</sup>

27. The underlying purposes of limiting standing are threefold:

- (i) efficiently allocating scarce judicial resources and screening out “busybody” litigants;
- (ii) ensuring that courts have the benefit of the contending points of view of those most directly affected by the issues; and
- (iii) ensuring that courts play their proper role within our democratic system of government.

The purposes that justify granting standing are twofold:

- (i) giving effect to the principle of legality and
- (ii) ensuring access to the courts, or more broadly, access to justice<sup>25</sup>

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23 Exhibit “C”

24 Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society, [\[2012\] 2 S.C.R. 524](#)

25 Council of Canadians with Disabilities, *supra*, at paragraphs 29-30 Downtown Eastside Sex Workers United Against Violence Society at paragraph 50

28. As a general rule, courts should not attach particular weight to any one purpose, principle or factor – including legality and access to justice – but should strive to “balance all of the purposes in light of the circumstances and in the ‘wise application of judicial discretion’”<sup>26</sup>

29. “All other relevant considerations being equal, a plaintiff with standing as of right will generally be preferred”<sup>27</sup>

30. There is a serious issue before the Court as to the legitimacy of the conduct of the Minister of Justice David Lametti.<sup>28</sup>

31. I have a personal and share a public interest with all Canadians in accessing a legal system and government in compliance with the rule of law and constitutionality.

32. The matter before the court is extremely serious and goes to the heart of Canada's constitutional values. The invocation of the Emergencies Act for improper purpose is a threat to constitutionality, the rule of law and democracy.

33. The Federal Court has determined that the decision was not reasonable, not justified, unconstitutional and illegal.<sup>29</sup> It is the submission of the proposed intervener that the decision to appeal by the Attorney General of Canada without revealing the legal opinion of David Lametti is not in the public interest and is made knowing that the administration of government is not in compliance with the law and thus is not in good faith,

34. The participation of the intervener is a reasonable and effective method of providing evidence to the court as to the elements behind the decision to invoke the Emergencies Act which includes a lack of good faith on the part of the Minister of Justice and evidence of a

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26 Council of Canadians with Disabilities, *supra*, at paragraphs 31, 58-59

27 [Downtown Eastside Sex Workers United Against Violence Society](#), *supra*, at paragraph 37

28 The broad language of subsection 52(1) dictates that all law, including the common law, must be consistent with the Charter (*RWDSU v. Dolphin Delivery Ltd.*, [1986] 2 S.C.R. 573 at paragraph 25). Accordingly, as the common law develops, it should do so in a manner consistent with the Charter (*Salituro*, [1991] 3 S.C.R. 654, at page 670; *R. v. Mann*, [2004] 3 S.C.R. 59 at paragraph 17; *R. v. Clayton*, [2007] 2 S.C.R. 725 at paragraph 21

29 [Decision of Justice Mosely Jan 23, 2024 para 372](#)

failure to do his duty to protect the public and ensure that the administration is in compliance with the law.

35. Allowing the participation of the petitioner as an intervener in this matter eliminates the requirement for a separate legal action which would use up valuable judicial resources, involve additional expenses for both the intervener and the public purse.

36. The fundamental issue before the Court is the assertion of the Minister of Justice before Justice Rouleau at the Public that the decision to invoke the Emergency Act was made with the requisite attributes of good faith.<sup>30</sup>

37. The proposed intervener has demonstrated significant efforts to bring the attention of the appropriate authorities including the Canadian Judicial Council, The Minister of Justice<sup>31</sup>, The Prime Minister's Office<sup>32</sup>, The RCMP National Division<sup>33</sup>, The Parliamentary Ethics Commissioner<sup>34</sup>, The Court system of British Columbia<sup>35</sup>, The Attorney General's of the Province of BC and Federal, The relevant Parliamentary Committees<sup>36</sup>, the Speaker of the House, his Member of Parliament, the Leaders of the Federal political parties, every Senator and the Provincial and Territorial Premiers, which demonstrates a high level of commitment rather than a mere “busybody” litigant.

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30 [POEC November 23, 2022 page 177-178](#)

31 Exhibit “B”, “C”, “D”

32 Exhibit “B”

33 Exhibit “E”

34 Exhibit “G”

35 Exhibit “H”

36 **Contributions to Parliamentary Committees**

[Parliamentary Committee on the Status of Women](#)

[Parliamentary Committee on Justice and Human Rights – Judges Act](#)

[Parliamentary Committee on Justice and Human Rights – Wrongful Convictions](#)

[Parliamentary Committee on Constitutional Affairs – Judges Act](#)

38. As a member of the public the expertise is unique as the proposed intervener is not a member of the Executive, Judiciary or the Legislature and a subject of the abuse of power of all three.<sup>37</sup>

### **3. The Interveners participation is in the interests of justice**

#### **i) The appeal has a public, important, and complex dimension**

39. The Public has a critical but often overlooked perspective in the administration of justice being unequally and unfairly typically the subject with little to no ability to enforce the law against those purporting to have legitimacy in enforcing the law against them.

40. The invocation of the Emergencies Act is a matter of immense concern to the Public and their relationship with the Executive of Government as the purported safeguards of Parliament are removed and Cabinet itself is vested with extraordinary powers.<sup>38</sup>

41. The findings of the Federal Court of Appeal in this case have serious implications for the public interest as they fundamentally affect accountability of the Executive to Parliament and the people of Canada as a free and democratic state.<sup>39</sup>

42. The accountability of the Judiciary to the people of Canada is a fundamental democratic right. The lawful procedure was obstructed by the Minister of Justice improperly protecting judges from legitimate review by Parliament and failing to protect Canadians from abuses of power.<sup>40</sup> The conduct cannot be defended in a free and democratic state.

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37 Exhibit "H"

38 Statutes and Regulations "5" Emergencies Act

39 Statutes and Regulations "5" Emergencies Act

40 [Cosgrove v Canadian Judicial Council 2007 FCA 103](#) at para 64 "If the question of removal is to be put before Parliament, it is the Minister who does so. It is open to the Minister to put the question to Parliament or to decline to do so. Like all acts of an Attorney General, the Minister's discretion in that regard is constrained by the constitutional obligation to act in good faith, objectively, independently and with a view to safeguard the public interest."

43. The Minister of Justice breached his duty. As a protector of the rule of law The Minister cannot allow that judges could legitimately ignore the transcript to protect a lawyer committing fraud on a court order.<sup>41</sup>

44. The Minister of Justice breached his duty.<sup>42</sup> The duty is to ensure that the administration is in compliance with the law including the Charter, the Minister cannot permit judicial rule that is in conflict with the constitutional imperative of the rule of law<sup>43</sup>, democracy, fundamental justice, fair and impartial trials.<sup>44</sup>

45. The current Minister of Justice Arif Virani's position that he is not obliged to disclose the legal advice provided by David Lametti to Cabinet in Council for his reasons to invoke the Emergencies Act is in conflict with his duty to the Public<sup>45</sup>, the actual client of the Minister.<sup>46</sup>

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41 Appendix "6" Judges Act 65 (d) and Appendix "2" Constitution Act 1867 s 99

42 The paramount concern, consistently mentioned in the case law, is that exercises of public powers cannot be immune from review: *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45, [2012] 2 S.C.R. 524 at paragraphs 31-34

43 Secondary Sources i) Principles Guiding the Attorney General of Canada, Department of Justice

"I view the unique role of the Attorney General as a fundamental pillar of the rule of law in Canada. In its simplest articulation, the rule of law ensures that no one, including the elected Government of the day, is above the law. As a guardian of the rule of law, the Attorney General is tasked with upholding the public interest." Jody Wilson Raybould

44 [Canada \(Attorney General\) v. Slansky, 2013 FCA 199](#), the dissenting judgement of Stratas J.A. in the Slansky case is also particularly illuminating on this issue...p 317-332 [323] Based on what they see, fair-minded observers might justifiably describe the decision as a whitewash regardless of the actual merits of the complaint. Worse, fair-minded observers might speculate as to misconduct committed by other judges that has gone unpunished by the Council and has been similarly immunized from review.

45 [Canada \(Attorney General\) v. Slansky, 2013 FCA 199](#) Furthermore "the rule of law is the ultimate justification of the privilege" ( *Three Rivers District Council v Governor and Company of the Bank of England*, 2004 U.K.H.L. 48 (Eng. H.L.) at para 34) and "individuals...ability to successfully assert their legal rights, or discharge their legal duties, may be prejudiced. And the integrity of the administration of justice undermined *R v McLure* 2001 SCC 14 [2001] 1 S.C.R. 445 at para 2. The claim of solicitor client privilege is also defeated as "it must not have had the purpose of furthering unlawful conduct"

**(ii) the elements of legal advice privilege**

[74] The four elements of the test for determining whether a communication qualifies for legal advice privilege are well established: (1) it must have been between a client and solicitor; (2) it must be one in which legal advice is sought or offered; (3) it must have been intended to be confidential; and (4) it must not have had the purpose of furthering unlawful conduct: see *R. v. Solosky*, [1980] 1 S.C.R. 821 at 835; Pritchard at para. 15.

46 [Canada \(Attorney General\) v. Slansky, 2013 FCA 199](#) "[65] First, solicitor-client privilege has two branches: litigation and legal advice privilege. The only branch claimed for the Friedland Report is legal advice privilege. This attaches to communications between solicitor and client for the purpose of obtaining or giving legal advice. It is the privilege of the client, not the lawyer.

[119] & [121] "subject to public interest privilege"

**ii) The intervention will not cause delay or imbalance on one side**

46. Granting leave to the proposed intervenor will not cause delay or imbalance but will merely place all of the relevant facts that may have affected the decision of the Minister of Justice and Cabinet to invoke the Emergencies Act. Any minor delay in examining the record of the proposed intervenor is easily balanced by the interests of the pursuit of justice for Canadians including full disclosure of all evidence.

47. The imbalance is currently in the favor of the Minister of Justice as they hide the legal opinion provided to Cabinet by claiming the solicitor – client relationship between the Minister and Cabinet although properly the client of the Minister is the people of Canada.<sup>47</sup> The evidence of the proposed intervenor will merely balance the scales of justice by providing evidence that establishes the lack of good faith in the decision of the Minister.

48. The proposed intervenor is dedicated and committed to ensure that their submissions are constructive and not duplicative and to comply with all scheduling requirements.

**PART IV – ORDER SOUGHT**

49. The proposed intervenor seeks an order granting Trevor Holsworth leave to intervene in this appeal pursuant to Rule 109 of the Federal Court Rules on the following terms.

50. The purpose of the order would provide the court the attached evidence relevant to the inquiry before the court, to establish the information before the Prime Minister and the Minister of Justice prior to their decision to invoke the Emergencies Act.

51. To file a Memorandum of Fact and Law.

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<sup>47</sup> During questioning before the Parliamentary Special Committee on the Declaration on the 27 February 2024



52. To receive all documents required to be served or filed by a party to this proceeding also be served on the proposed intervener.
53. To be exempt from any costs associated with this motion or the appeal.
54. To submit oral submissions if permitted or required
55. Such further terms proposed that the Court deems just.

All of which is respectfully submitted,

Dated in New Denver this 3rd of April, 2024.

*Trevor Holsworth*

---

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Proposed Intervener

## **PART V – LIST OF AUTHORITIES**

### **LEGISLATION and REGULATIONS**

Appendix “1” Federal Court Rules

Appendix “2” Constitution Act 1982 Charter of Rights and Freedoms

Appendix “3” Department of Justice Act R.S.C.,

Appendix “4” Judges Act 1985

Appendix “5” Emergencies Act

**Appendix “1”**  
**Federal Court Rules SQR/98-106**

General principle

3 These Rules shall be interpreted and applied so as to secure the just, most expeditious and least expensive determination of every proceeding on its merits.

...

Intervention

Leave to intervene

109 (1) The Court may, on motion, grant leave to any person to intervene in a proceeding.

Contents of notice of motion

(2) Notice of a motion under subsection (1) shall

(a) set out the full name and address of the proposed intervenor and of any solicitor acting for the proposed intervenor; and

(b) describe how the proposed intervenor wishes to participate in the proceeding and how that participation will assist the determination of a factual or legal issue related to the proceeding.

Directions

(3) In granting a motion under subsection (1), the Court shall give directions regarding

(a) the service of documents; and

(b) the role of the intervenor, including costs, rights of appeal and any other matters relating to the procedure to be followed by the intervenor.

...

Motions in writing

369 (1) A party may, in a notice of motion, request that the motion be decided on the basis of written representations.

...

Reply

(3) A moving party may serve and file written representations in reply within four days after being served with a respondent's record under subsection (2).

Disposition of motion

(4) On the filing of a reply under subsection (3) or on the expiration of the period allowed for a reply, the Court may dispose of a motion in writing or fix a time and place for an oral hearing of the motion.

## Appendix “2”

### Constitution Act 1982 Charter of Rights and Freedoms

#### PART I

#### Canadian Charter of Rights and Freedoms

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

#### Guarantee of Rights and Freedoms

#### Rights and freedoms in Canada

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

...

#### Legal Rights

#### Life, liberty and security of person

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

...

#### Equality Rights

#### Equality before and under law and equal protection and benefit of law

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

...

#### Enforcement

#### Enforcement of guaranteed rights and freedoms

24 (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

...

#### Application of Charter

#### 32 (1) This Charter applies

(a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and  
(b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

...

52 (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

## Appendix “3”

### Department of Justice Act R.S.C., 1985

#### Minister and Attorney

(2) The Minister is ex officio Her Majesty’s Attorney General of Canada, holds office during pleasure and has the management and direction of the Department.

...

#### Powers, duties and functions of Minister

4 The Minister is the official legal adviser of the Governor General and the legal member of the Queen’s Privy Council for Canada and shall

- (a) see that the administration of public affairs is in accordance with law;
- (b) have the superintendence of all matters connected with the administration of justice in Canada, not within the jurisdiction of the governments of the provinces;
- (c) advise on the legislative Acts and proceedings of each of the legislatures of the provinces, and generally advise the Crown on all matters of law referred to the Minister by the Crown; and
- (d) carry out such other duties as are assigned by the Governor in Council to the Minister.

...

#### Powers, duties and functions of Attorney General

5 The Attorney General of Canada

- (a) is entrusted with the powers and charged with the duties that belong to the office of the Attorney General of England by law or usage, in so far as those powers and duties are applicable to Canada, and also with the powers and duties that, by the laws of the several provinces, belonged to the office of attorney general of each province up to the time when the Constitution Act, 1867, came into effect, in so far as those laws under the provisions of the said Act are to be administered and carried into effect by the Government of Canada;
- (b) shall advise the heads of the several departments of the Government on all matters of law connected with such departments;
- (c) is charged with the settlement and approval of all instruments issued under the Great Seal;
- (d) shall have the regulation and conduct of all litigation for or against the Crown or any department, in respect of any subject within the authority or jurisdiction of Canada; and
- (e) shall carry out such other duties as are assigned by the Governor in Council to the Attorney General of Canada.

## Appendix “4”

### Judges Act R.S.C., 1985, c. J-1

(<https://laws-lois.justice.gc.ca/eng/acts/j-1/20210629/P1TT3xt3.html>)

#### Objects of Council

60 (1) The objects of the Council are to promote efficiency and uniformity, and to improve the quality of judicial service, in superior courts.

#### Inquiries

63 (1) The Council shall, at the request of the Minister or the attorney general of a province, commence an inquiry as to whether a judge of a superior court should be removed from office for any of the reasons set out in paragraphs 65(2)(a) to (d).

#### 65 Recommendation to Minister

(2) Where, in the opinion of the Council, the judge in respect of whom an inquiry or investigation has been made has become incapacitated or disabled from the due execution of the office of judge by reason of

- (a) age or infirmity,
- (b) having been guilty of misconduct,
- (c) having failed in the due execution of that office, or
- (d) having been placed, by his or her conduct or otherwise, in a position incompatible with the due execution of that office, the Council, in its report to the Minister under subsection (1), may recommend that the judge be removed from office.

#### Removal by Parliament or Governor in Council

##### Powers, rights or duties not affected

71 Nothing in, or done or omitted to be done under the authority of, any of sections 63 to 70 affects any power, right or duty of the House of Commons, the Senate or the Governor in Council in relation to the removal from office of a judge, a prothonotary of the Federal Court or any other person in relation to whom an inquiry may be conducted under any of those sections.

## Appendix “5”

### Emergencies Act R.S.C., 1985, c. 22 (4th Supp.) (<https://laws-lois.justice.gc.ca/eng/acts/e-4.5/page-1.html>)

#### Preamble

WHEREAS the safety and security of the individual, the protection of the values of the body politic and the preservation of the sovereignty, security and territorial integrity of the state are fundamental obligations of government;

AND WHEREAS the fulfilment of those obligations in Canada may be seriously threatened by a national emergency and, in order to ensure safety and security during such an emergency, the Governor in Council should be authorized, subject to the supervision of Parliament, to take special temporary measures that may not be appropriate in normal times;

...

#### National emergency

3 For the purposes of this Act, a national emergency is an urgent and critical situation of a temporary nature that

(a) seriously endangers the lives, health or safety of Canadians and is of such proportions or nature as to exceed the capacity or authority of a province to deal with it, or

(b) seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada and that cannot be effectively dealt with under any other law of Canada.

....

#### Declaration of a public welfare emergency

6 (1) When the Governor in Council believes, on reasonable grounds, that a public welfare emergency exists and necessitates the taking of special temporary measures for dealing with the emergency, the Governor in Council, after such consultation as is required by section 14, may, by proclamation, so declare.

...

#### Definitions

16 In this Part,

declaration of a public order emergency means a proclamation issued pursuant to subsection 17(1);  
(déclaration d'état d'urgence)

public order emergency means an emergency that arises from threats to the security of Canada and that is so serious as to be a national emergency; (état d'urgence)

threats to the security of Canada has the meaning assigned by section 2 of the Canadian Security Intelligence Service Act.

#### Declaration of a public order emergency

17 (1) When the Governor in Council believes, on reasonable grounds, that a public order emergency exists and necessitates the taking of special temporary measures for dealing with the emergency, the Governor in Council, after such consultation as is required by section 25, may, by proclamation, so declare.

#### Contents

(2) A declaration of a public order emergency shall specify

(a) concisely the state of affairs constituting the emergency;

## CASE LAW

[Canada \(Attorney General\) v. Slansky, 2013 FCA 199](#)

[Cosgrove v Canadian Judicial Council 2007 FCA 103](#)

[R. v. Clayton, \[2007\] 2 S.C.R. 725](#)

[R. v. Mann, \[2004\] 3 S.C.R. 59](#)

[RWDSU v. Dolphin Delivery Ltd., \[1986\] 2 S.C.R. 573](#)

[Salituro, \[1991\] 3 S.C.R. 654](#)

[Downtown Eastside Sex Workers United Against Violence Society](#)

[Council of Canadians with Disabilities](#)

[Le-Vel Brands, LLC v Canada \(Attorney General\), 2023 FCA 66](#)

[Canada \(Citizenship and Immigration\) v Canadian Council for Refugees, 2021 FCA 13](#)

[Sport Maska Inc v Bauer Hockey Corp, 2016 FCA 44](#)

[Decision of Justice Mosely Jan 23, 2024 2024 FC 42](#)



## **SECONDARY SOURCES**

- i) Principles Guiding the Attorney General of Canada, Department of Justice  
(<https://www.justice.gc.ca/eng/csj-sjc/principles2-eng.pdf>)

**FEDERAL COURT OF APPEAL**

BETWEEN:

**DAVID JOSEPH MACKNINNON AND  
ARIS LAVRANOS**  
Appellant

and

**ATTORNEY GENERAL OF CANADA**  
Respondent

and

DEMOCRACY WATCH  
THE CANADIAN CONSTITUTIONAL LAW INITIATIVE OF THE UNIVERSITY  
OF OTTAWA PUBLIC LAW CENTRE AND  
THE BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

and

TREVOR HOLSWORTH  
Proposed Intervenor

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**MEMORANDUM OF FACTS AND LAW**  
(Motion for leave to intervene pursuant to Rules 109 and 369)

---

April , 2025

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**FEDERAL COURT OF APPEAL**

BETWEEN:

**DAVID JOSEPH MACKNINNON AND  
ARIS LAVRANOS**  
Appellant

and

**ATTORNEY GENERAL OF CANADA**  
Respondent

and

DEMOCRACY WATCH  
THE CANADIAN CONSTITUTIONAL LAW INITIATIVE OF THE UNIVERSITY  
OF OTTAWA PUBLIC LAW CENTRE AND  
THE BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

and

TREVOR HOLSWORTH  
Proposed Intervenor

**WRITTEN REPRESENTATIONS OF THE PROPOSED INTERVENOR**  
(Motion for leave to intervene pursuant to Rules 109 and 369)

## OVERVIEW

1. The motion for leave to intervene is to provide the court with evidence and argument relevant to the inquiry that has not been presented by the other parties.
2. This appeal is from a decision of Chief Justice Paul Crampton of the Federal Court on March 6, 2025 regarding the prorogation of Parliament on January 6, 2025.
3. As I stated in my application for Intervener in the examination of the circumstances of the enforcement of the Emergencies Act, *“the evidence suggests that the PM knew or ought to have known that his Minister of Justice was not conducting himself in “good faith” and was failing in his duties to protect the public and ensure that the administration of justice was in compliance with the law.”*<sup>1</sup>
4. The decision by the Prime Minister Justin Trudeau to request that the Governor General Mary Simon to prorogue<sup>2</sup> Parliament was made to obstruct justice to prevent the legitimate debate regarding the conduct of the Judiciary as well as the conduct of the Executive in their efforts to prevent that debate from occurring, which would have led to the inevitable fall of government.

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1 Exhibit “B” Application motion of proposed intervener

2 Mackinnon v AG(Canada) 2025 FC 422, [150] ...This is that the constitutional and other legal limits of the Crown’s power to prorogue Parliament is a question of central importance to the legal system as a whole: *Vavilov* at para 69...As the SCC has observed: “[t]here are few issues as important to our constitutional equilibrium as the relationship between the legislature and the other branches of the State on which the Constitution has conferred powers, namely the executive and the courts”: *Canada (House of Commons) v Vaid*, 2005 SCC 30 (CanLII), [2005] 1 SCR 667 [*Vaid*] at para 4. [154] In adopting this approach, I will keep in mind that the separation of powers requires the Court’s review of the Decision to reflect the SCC’s teaching that each branch of the government must “show proper deference for the legitimate sphere of activity of the other”: *Criminal Lawyers* at para 29, quoting *New Brunswick Broadcasting Co v Nova Scotia (Speaker of the house of Assembly)*, 1993 CanLII 153 (SCC), [1993] 1 SCR 319 [*New Brunswick Broadcasting*] at 389; *Vaid* at para 20. In addition, the Court must remain mindful of the tenet that each branch of the government must refrain from exercising “‘undue’ interference” with the other: *Power* at para 82.”

## **PART I – STATEMENT OF FACTS**

### **A. The Appeal**

5. This is an appeal by the Applicants of the decision of the Chief Justice of the Federal Court Paul Crampton hearing the matter of the prorogation of Parliament made on March 6, 2025

### **B. The Circumstances leading up to the Appeal**

6. The allegations and evidence from Jody Wilson Raybould during the 2019 SNC-Lavelin scandal is that the Prime Minister Justin Trudeau attempted to interfere in the Attorney General's independent authority to conduct non-partisan prosecution and subsequently fired the former AG/MOJ Jody Wilson Raybould for failing to bend to his illegitimate intrusion into the legal system.<sup>3</sup>
7. On March 9, 2020 I served the Deputy AG of Canada with a request via the enforcement procedure of the Charter s 24(1) requesting the accountability of the Federal Judges be reported to Parliament by the Minister of Justice.<sup>4</sup> No response was ever received.
8. On July 16, 2021 after a failure of the AG of Canada to respond to the enforcement procedure I asked a constitutional question<sup>5</sup> in the BC Provincial Court regarding the failure of the Federal AG to respond and received no response from the Federal AG and “no comment” from the BC AG Office.

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3 Exhibit “B”, Evidence to Parliament, Written Representations for Proposed Intervener Secondary Sources “there is no system for managing prosecutorial decisions that absolutely protects against the possibility of partisan interference, while providing for public accountability...The personal integrity of the Attorney General is also essential; indeed, it is probably the most important element in a system which protects the rule of law.” Anne McLellan on the dual role of the AG/MOJ

4 Exhibit “B”, Evidence to Parliament, Brief in support of Intervener Federal Court Emergencies Act, Enforcement Procedure Exhibit “A”

5 Ibid

9. On October 26, 2021 I communicated with the Governor General of Canada<sup>6</sup> expressing my concern with the conduct of the Minister of Justice protecting Judges protecting lawyers committing fraud on Canadians and her reserve duties with respect to dealing with a minority government conducting itself illegally.
10. A follow up letter of March 7, 2022<sup>7</sup> immediately prior to the Confidence and Supply Agreement between the NDP and Liberal Party similarly generated no response. These are matters that the Governor General should properly have considered in her decision to allow the Prime Minister to prorogue Parliament.
11. The NDP – Liberal Supply and Confidence Agreement was signed on March 22, 2022 to be valid until June 2025.
12. On Nov 16, 2020 the Prime Minister's Office responded to my communication regarding the failure of the Minister of Justice David Lametti to respond to the Enforcement Procedure of the Charter stating that they had read my communications very carefully and forwarded the matter to the Minister of Justice.<sup>8</sup>
13. On Feb 11, 2021 The Minister of Justice David Lametti responded claiming that he had no legal authority to intervene and recommended seeking legal advice from a lawyer.<sup>9</sup>
14. On Feb 14, 2021 I responded correcting the Minister's opinion and provided argument, caselaw and evidence to support my opinion. I received no further response.<sup>10</sup>
15. On March 6, 2022 the Prime Minister's Office forwarded my communications regarding the failure of the Minister of Justice to respond to the Enforcement Procedure of the Charter for

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6 Exhibit “B”, Evidence to Parliament, Letter to Governor General page 34

7 Exhibit “B”, Evidence to Parliament, Letter to Governor General page 35

8 Exhibit “B”, Evidence to Parliament, Letter to PMO Nov 16, 202 page 37

9 Exhibit “B”, Evidence to Parliament, Brief in support of proposed Intervener Emergencies Act, Response from MOJ David Lametti, Exhibit “C”

10 Exhibit “B”, Evidence to Parliament, Brief in support of proposed Intervener Emergencies Act, My response to MOJ David Lametti, Exhibit “D”

consideration by Marco Mendocino in an acknowledgement of the Public Safety concern.<sup>11</sup>

16. On August 22, 2022 I wrote again to the Prime Minister's Office and included the transcript from my Court application for a writ of mandamus on the Minister of Justice which was heard on Dec 4, 2021 with the decision delayed until Feb 14, 2022 when the judge simply did not show up.<sup>12</sup>
17. On July 28, 2022 I wrote to the Prime Minister's Office again with the transcript from the BC Court of Appeal and included this comment, *"Judges obviously have a conflict of interest in the judging of their own conduct. It is established law that Parliament alone has the authority to provide the necessary checks and balances on the powers of the Judiciary. Your Minister of Justice is refusing to respond to the enforcement procedure, improperly protecting lawyers and judges obstructing justice instead of protecting the public, which is his legal duty. The Prime Minister is ultimately responsible for the conduct of his cabinet."*
18. On Feb 5, 2023 I wrote again to the Prime Minister's Office and included this comment, *"At this time my understanding is that the conduct of the Executive is in conflict with the Constitution and there has been no defense offered and no communication at all, which can hardly be termed to be in good faith. On the basis of these facts Canadians must conclude that the Executive is in a Constitutional Crisis affecting the legitimacy of the government."*<sup>13</sup>
19. On July 27, 2023 The Prime Minister dismissed David Lametti as his Minister of Justice and appointed Arif Virani.
20. On January 23, 2024 The Federal Court determined that the enforcement of the Emergencies Act was unreasonable, illegal and unconstitutional.<sup>14</sup> The Government announced their intention

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11 Exhibit "B", Evidence to Parliament, Letter from PMO forwarding to Minister of Public Safety page 39

12 Exhibit "B", Evidence to Parliament, Letter to PMO page 44

13 Exhibit "B", Evidence to Parliament, Letter to PMO page 45

14 *Canadian Frontline Nurses v. Canada (Attorney General)*, 2024 FC 42



to appeal 14 minutes later.<sup>15</sup>

21. On March 22, 2024 I filed as an application as an Intervener in the Federal Court of Appeal regarding the legality of the enforcement of the Emergencies Act.<sup>16</sup>
22. On April 10, 2024 The Federal AG requested that I not be permitted to intervene claiming, “*it would not be in the interests of justice to allow him to use this proceeding to advance his allegations of fraud and corruption*”<sup>17</sup> and labelled my allegations regarding the Minister of Justice as “*spurious*” [false] although they have been provided multiple opportunities to present argument and evidence to support their opinion but have not done so.<sup>18</sup>
23. The Minister of Justice Arif Virani before the Joint Parliamentary Committee on the Declaration of the Emergency (DEDC) in February 2024 refuses Parliament the legal opinion used to justify the decision to enforce the Emergencies Act<sup>19</sup>.
24. In early September 2024, Jagmeet Singh leader of the New Democratic Party announced that he was tearing up the NDP-Liberal Confidence and Supply Agreement.
25. On September 9, 2024 I wrote to all of the members of the House of Commons regarding my intention to serve them directly with the enforcement procedure of the Charter s 24(1) due to the failure of the Minister of Justice David Lametti to do his duty to protect Canadians and see that the administration is in compliance with the law. I provided evidence and argument for the consideration of the Members of Parliament to permit informal conversation and resolution prior to taking the more formal and constitutional request for accountability through the

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15 <https://www.parl.ca/documentviewer/en/44-1/DEDC/meeting-28/evidence> “the government telegraphed, literally within minutes, an intention to **appeal Justice Mosley's** decision.”

16 Exhibit “B”, Evidence for Parliament. Application of Proposed Intervener Emergencies Act Federal Court of Appeal

17 Federal Court Response of the Federal Attorney General

18 Exhibit “B”, Evidence for Parliament, Application of proposed Intervener Emergencies Act Federal Court of Appeal, Exhibit “H”, Writ of Mandamus Application before BC Supreme Court in Nelson Dec 3, 2021, Constitutional Question on failure of the Minister of Justice to respond to Enforcement Procedure served prior to Court on July 16, 2021, Evidence to Parliament – Letters to MOJ. Appeal to BC Court of Appeal on writ of Mandamus.

19 Minister of Justice Arif Virani asserted solicitor-client privilege the application of which was disputed by Senator Carignan DEDC Feb 27, 2024 and ultimately an application for contempt of Parliament was presented by Larry Brock on Dec 12, 2024 but is dismissed by the proroguing of Parliament.

Enforcement Procedure of the Charter, s 24(1).<sup>20</sup>

26. On Dec 12, 2024 Larry Brock introduces a motion to the House to hold the Minister of Justice in contempt of Parliament<sup>21</sup> for failing to provide the legal reasons for enforcing the Emergencies Act.<sup>22</sup>
27. On January 6, 2025 Trudeau requested and received permission from the Governor General to prorogue Parliament.
28. On January 8, 2025 the decision to prorogue was challenged in Federal Court with hearings conducted on Feb 13 and 14 largely centered on whether prorogation was subject to judicial scrutiny.
29. On March 6, 2025 The decision from Chief Justice Paul Crampton is released and says, “[1] *At its core, this proceeding concerns the extent to which our constitutional framework a potential role for the courts to play when the Prime Minister advises the General to prorogue Parliament.*” and “[4] *In this proceeding, the Applicants seek judicial review of the Prime Minister’s decision “to advise ... the Governor General of Canada, (the “**Governor General**”), to exercise her prerogative power to prorogue the first session of the 44th Parliament of Canada until Monday, March 24, 2025 (the “**Decision**”).*” and concludes “[3] *...courts have a constitutional role, and it is important that it be to maintain public confidence in our institutions of government.*” and “[8] *...I also find that the issue of whether the Prime Minister exceeded the constitutional or other legal limits of his authority in making the Decision is justiciable.*” concluding with, “[78] *Having regard to all of the foregoing, I conclude that this*

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20 Exhibit “A”, Letter to Members of Parliament, September 8, 2024, Evidence for Parliament

21 <https://www.ourcommons.ca/documentviewer/en/44-1/house/sitting-388/hansard>

22 The claim of solicitor client privilege is also defeated as “it must not have had the purpose of furthering unlawful conduct” (ii) *the elements of legal advice privilege* [74] The four elements of the test for determining whether a communication qualifies for legal advice privilege are well established: (1) it must have been between a client and solicitor; (2) it must be one in which legal advice is sought or offered; (3) it must have been intended to be confidential; and (4) it must not have had the purpose of furthering unlawful conduct: see *R. v. Solosky*, [1980] 1 S.C.R. 821 at 835; *Pritchard* at para. 15.

*Court has the jurisdiction to review the Decision, including for the purpose of determining (a) the justiciability of the issue of whether the Prime Minister exceeded his authority in making the Decision; and if that issue is justiciable, (b) whether the Prime Minister did in fact exceed the his authority, as alleged by the Applicants.’’<sup>23</sup>*

30. The Court acknowledges that all the leaders of the major parties had indicated that they would vote non-confidence in the Prime Minister at the earliest opportunity.<sup>24</sup>

## **PART II – POINTS IN ISSUE**

31. Whether the Court should grant the Intervener leave to intervene in this appeal and, if so, the terms of their intervention.

## **PART III – SUBMISSIONS**

### **A. The test for leave to intervene under rule 109 FCA**

In deciding whether to grant leave to intervene, the Court is to consider three factors: usefulness, genuine interest, and consistency with the interests of justice:

- I. Will the proposed intervener make different and useful submissions, insights and perspectives that will further the Court's determination of the legal issues and perspectives that will further the Court's determination of the legal issues raised by the parties to the proceeding,

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<sup>23</sup> Mackinnon v AG(Canada) 2025 FC 422

<sup>24</sup> Mackinnon v AG(Canada) 2025 FC 422 [32] *Specifically, on October 29, 2024, Mr. Yves-François Blanchet, leader of the Bloc Québécois (“BQ”), announced that his party would vote non-confidence in the government. On December 9, 2024, Mr. Pierre Poilievre, leader of the Conservative Party of Canada (“CPC”), sponsored a motion in the House stating that “the House proclaims it has lost confidence in the Prime Minister and the government.” Despite the support of all members of the BQ and CPC, the motion was defeated 180 votes to 152. On December 20, 2024, Mr. Jagmeet Singh, leader of the New Democratic Party (“NDP”), announced in an open letter to Canadians that his party would “put forward a clear motion of non-confidence in the next sitting of the House of Commons.” Later that day, Mr. Poilievre wrote a letter to the Governor General stating that the “Prime Minister has lost the confidence of the House of Commons and cannot continue to govern unless he regains it or wins a new election.” In support of this statement, Mr. Poilievre noted that “all three recognized opposition parties, whose combined MPs constitute a clear majority of the House of Commons, have now stated unequivocally that they have lost confidence in the Prime Minister.” Therefore, he requested the Governor General to:*

*“... inform the Prime Minister that he must either dissolve Parliament and call an election or reconvene Parliament on the earliest day that is not a statutory holiday before the end of the calendar year to prove to you and to Canadians that he has the confidence of the House to continue as Prime Minister.”*

not new issues? To determine usefulness, four questions need to be asked:

- What issues have the parties raised?
- What does the proposed intervenor intend to submit concerning those issues?
- Are the proposed intervenor's submission doomed to fail?
- Will the proposed intervenor's arguable submissions assist the determination of the actual, real issues in the proceeding?

II. Does the proposed intervenor have a genuine interest in the matter before the Court such that the Court can be assured that the proposed intervenor has the necessary knowledge, skills, and resources and will dedicate them to the matter before the Court?

III. Is it in the interests of justice that intervention be permitted? A flexible approach is called for. The list of considerations is not closed but includes at least the following questions:

- Is the intervention consistent with the imperative in Rule 3 that the proceeding be conducted “so as to secure the just, most expeditious and least expensive outcome”? For example, will the orderly progression or the schedule for the proceedings be unduly disrupted?
- Has the matter assumed such a public, important and complex dimension that the Court needs to be exposed to perspectives beyond those offered by the particular parties before the Court?
- Has the first-instance Court in this matter admitted the party as an intervenor?
- Will the addition of multiple intervenors create the reality or an appearance of an “inequality of arms” or imbalance on one side?

The critical and overarching question for the Court is whether the proposed intervenor will bring “different and valuable insights and perspectives” that will assist the Court in determining the issues in the case.

32. The issues that the Parties have raised include the justiciability of the Court to hear matters of the legality of the prorogation of Parliament by the Governor General from a request from the Prime Minister<sup>25</sup>

33. The Federal Court determined that the court did have authority to check the legality of the decision but found no evidence of illegality in the submissions of the Parties.

34. Whether or not the Court accepts my application as Intervenor I submit my evidence to the

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<sup>25</sup> Mackinnon v AG(Canada) 2025 FC 422 [1] *At its core, this proceeding concerns the extent to which our constitutional framework a potential role for the courts to play when the Prime Minister advises the General to prorogue Parliament.*” and “[4] *In this proceeding, the Applicants seek judicial review of the Prime Minister’s decision “to advise ... the Governor General of Canada, (the “Governor General”), to exercise her prerogative power to prorogue the first session of the 44th Parliament of Canada until Monday, March 24, 2025 (the “Decision”).*” and concludes “[3] *...courts have a constitutional role, and it is important that it be to maintain public confidence in our institutions of government.*” and “[8] *...I also find that the issue of whether the Prime Minister exceeded the constitutional or other legal limits of his authority in making the Decision is justiciable.*” concluding with, “[78] *Having regard to all of the foregoing, I conclude that this Court has the jurisdiction to review the Decision, including for the purpose of determining (a) the justiciability of the issue of whether the Prime Minister exceeded his authority in making the Decision; and if that issue is justiciable, (b) whether the Prime Minister did in fact exceed the his authority, as alleged by the Applicants.*

Court including the Letter to Members of Parliament of September 8, 2024 and the attached Evidence for Parliament for the public record.

35. If I am permitted to Intervene I intend to submit further argument and submissions regarding the implications on the legality of the decision of the Prime Minister to request that the Governor General prorogue Parliament based on the evidence presented.
36. The application is not “doomed to fail” as the proposed intervenor has standing because the matters directly affect him, the matters have been determined to be justiciable, my application goes to the heart of the matter – the legality of the decision by the Governor General and the Prime Minister, and is not frivolous, vexatious<sup>26</sup> or an abuse of process as there is sufficient evidence to support the allegations and the correct procedures have been followed throughout.
37. The real issue before the Appeal Court is whether the decision to prorogue Parliament was legal and not merely political.
38. The evidence that I present to the Court and the submissions that I will make demonstrate that the decision to prorogue Parliament was made to obstruct justice by preventing debate on the constitutionality of the conduct of Federal Judges, the examination of the conduct of the Minister of Justice and to prevent the non-confidence motion in the Prime Minister for betrayal of the public interest.

**(i) The Interveners' submissions are useful and distinct and will aid the court to deal with the issues before the Court.**

39. The proposed Intervener will bring different and valuable insights and perspectives to this appeal and their submissions will assist the court in the determination of the issues in the proceeding. The evidence provided will ensure that the Court has a comprehensive

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<sup>26</sup> I asked the BC Provincial Court Judge on July 16, 2021 If he found my arguments to be frivolous or vexatious and he responded, “It is a very large argument but not one that I can address in Provincial Court.”

understanding of the specific impacts affecting the general public and the rule of law.<sup>27</sup>

40. The evidence of the proposed Intervener includes relevant personal communications with the Governor General's Office, the Prime Minister's Office and the Minister of Justice and Members of Parliament which are not available from any other Party before the Court.

**(ii) The Interveners submissions will assist the Court**

41. The submissions that the intervener intends to make will assist the Court as they are directly relevant to the inquiry before the Court - the legality of the conduct of the Governor General and the Prime Minister in their decision to prorogue Parliament.

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<sup>27</sup> “The Supreme Court of Canada has explained the rule of law as promising to citizens and residents “a stable, predictable and ordered society” where individuals are protected from arbitrary state action.  
*Reference re Secession of Québec*, [1998] 2 SCR 217 at para.70

### **The Intervener has a genuine interest in the appeal and relevant expertise**

To qualify for public interest standing, the litigant must demonstrate that:

- (1) there is a serious issue as to the validity of the legislation or administrative action;
- (2) they have a genuine interest in the measure's validity; and
- (3) that the litigation is a reasonable and effective way to bring the matter before the court

The underlying purposes of limiting standing are threefold:

- (i) efficiently allocating scarce judicial resources and screening out "busybody" litigants;
- (ii) ensuring that courts have the benefit of the contending points of view of those most directly affected by the issues; and
- (iii) ensuring that courts play their proper role within our democratic system of government.

The purposes that justify granting standing are twofold:

- (i) giving effect to the principle of legality and
- (ii) ensuring access to the courts, or more broadly, access to justice

As a general rule, courts should not attach particular weight to any one purpose, principle or factor – including legality and access to justice – but should strive to "balance all of the purposes in light of the circumstances and in the 'wise application of judicial discretion'" "All other relevant considerations being equal, a plaintiff with standing as of right will generally be preferred"

42. There is a serious issue before the Court as to the legitimacy of the decision of the Prime Minister Justin Trudeau to request the Governor General prorogue Parliament.
43. I have a personal and share a public interest with all Canadians in accessing a legal system and government in compliance with the rule of law and constitutionality.
44. The participation of the Intervener is a reasonable and effective method of providing evidence to the court as to the legality of the decision to prorogue Parliament as the matter is already before the court and the evidence will assist the court in its quest for the truth and accountability of all to the rule of law.
45. Allowing the participation of the petitioner as an Intervener in this matter eliminates the requirement for a separate legal action which would use up valuable judicial resources, involve additional expenses for both the Intervener and the public purse.
46. The proposed Intervener has the factual basis for participation in the complaint and has

demonstrated significant efforts to bring the attention of the appropriate authorities which demonstrates a high level of commitment rather than a mere “busybody” litigant.

47. As a member of the Public my expertise is unique as the proposed Intervener is not a member of the Executive, Judiciary or the Legislature, nor a lawyer and the most affected by the issues before the Court.
48. The Courts' role in accordance with the doctrine of the separation of powers<sup>28</sup> is to check the Executive and Parliament.
49. The evidence that I present goes directly to the principle of legality as it demonstrates that the Executive was not conducting itself within the confines of the Constitution and that the decision to prorogue was to prevent access to justice to the only court of competent jurisdiction to judge the conduct of the Judiciary in accordance with the doctrine of separation of powers. To check that the Judiciary is in compliance with their constitutional duty of “good behavior”<sup>29</sup> in order to provide fair and impartial trials<sup>30</sup> which is the most important access to justice issue that there can be., It is constitutionally guaranteed.
50. I stress the importance of this fundamental rule that the judging of judicial conduct must be done in light of the public interest that it is meant to serve and that Parliament is the penultimate expression of the public interest in our Westminster democratic system of government.<sup>31</sup>
51. The principle of natural justice that “*nobody can be a judge in their own cause*”<sup>32</sup> and the fundamental importance of the Lord Hewart's dictum, “*Justice must be done and manifestly*

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28 Mackinnon v AG(Canada) 2025 FC 422 “[210] ...the separation of powers contemplates that each branch of government must refrain from unduly interfering with the others: *Power* at para 50. Importantly, the separation of powers requires an “appreciation by the judiciary of its own position in the constitutional scheme”: *Newfoundland (Treasury Board) v NAPE*, 2004 SCC 66 (CanLII) at para 104, citing *Canada (Auditor General) v Canada (Minister of Energy, Mines and Resources)*, 1989 CanLII 73 (SCC), [1989] 2 SCR 49 at 91. In this regard, the SCC observed in *Criminal Lawyers*: [31] ... [E]ven where courts have the jurisdiction to address matters that fall within the constitutional role of the other branches of government, they must give sufficient weight to the constitutional responsibilities of the legislative and executive branches, as in certain cases the other branch will be “better placed to make such decisions within a range of constitutional options” (*Canada (Prime Minister) v Khadr*, 2010 SCC 3, [2010] 1 S.C.R. 44, at para. 37).”

29 S 99(1) BNA



*must be seen to be done*". The administration of justice should not only be fair and just in its outcome, but also appear to be so in the eyes of the public. This principle ensures that the legal process is transparent and accessible, fostering public trust in the judicial system

52. I have standing as of right as I am a member of the public attempting to access a court of competent jurisdiction for the determination of my rights and freedoms.

### **3. The Interveners participation is in the interests of justice**

#### **i) The appeal has a public, important, and complex dimension**

53. The Public has a critical but often overlooked perspective in the administration of justice being unequally and unfairly typically the subject with little to no ability to enforce the law against those purporting to have legitimacy in enforcing the law against them.
54. The decision to prorogue Parliament is a matter of immense concern to the Public and their democratic relationship with the Executive and Judiciary as the checks and balances performed by Parliament on those institutions are removed.
55. The findings of the Federal Court of Appeal in this case have serious implications for the public interest as they fundamentally affect accountability of the Executive and the Judiciary to Parliament and the people of Canada in a free and democratic state.<sup>33</sup>
56. The accountability of the Judiciary to the people of Canada is a fundamental democratic right.

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30 S 7 Charter of Rights and Freedoms

31 The dissenting judgement of Stratas J.A. In Slansky case is also particularly illuminating on this issue...p 317-332

[323] Based on what they see, fair-minded observers might justifiably describe the decision as a whitewash regardless of the actual merits of the complaint. Worse, fair-minded observers might speculate as to misconduct committed by other judges that has gone unpunished by the Council and has been similarly immunized from review.

32 As asserted in Slansky, "d. the complaint mechanism of the CJC, of having judges, judging judges' misconduct is unconstitutional and of no force and effect and gives rise to a reasonable apprehension of institutional bias, and constitutes a breach of the Applicant's rights under ss 7 and 16 of the Canadian Charter of Rights and Freedoms"

33 Section 1 of the Canadian Charter of Rights and Freedoms outlines the "reasonable limits clause," allowing the government to restrict Charter rights, but only if those limits are "prescribed by law" and "demonstrably justified in a free and democratic society". There have been no justifications provided that can be demonstrably justified. There was no response to the enforcement procedure and no response to constitutional questions.

The procedure was obstructed by the Minister of Justice improperly protecting judges from legitimate review by Parliament and failing to protect Canadians from abuses of power. The conduct cannot be defended in a free and democratic state. This is why the Attorney General's are refusing to respond to the properly served Enforcement Procedure of the Charter and Constitutional Questions before the Court. This is why the Courts are refusing to justify their decision to deny my application for a writ of mandamus on the Minister of Justice. Labelling my application for a writ of mandamus “irrelevant” or dismissing my allegations as “a conspiracy” does nothing to reassure Canadians.<sup>34</sup>

57. If Parliament is permitted to be prorogued to prevent accountability of the Executive or the Judiciary to be examined then the doctrine of separation of powers<sup>35</sup>, Ministerial Accountability, the rule of law and the principles of democracy all fail.<sup>36</sup>

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34 The request for a writ of mandamus on the Minister of Justice was rejected as in the BC Supreme Court as “irrelevant” and on appeal a “conspiracy” and “this does not reflect reality” although the judge did in the same hearing assert her opinion that judges could ignore the transcript and prefer fraud by a lawyer, “THE APPELLANT: I made a complaint to the Judicial Council...said they have the right to do that...I don’t believe that that’s true. THE COURT: ...you’re wrong on that one. THE APPELLANT: I have a different opinion...shared by a great deal of Canadians. THE COURT: Mm-hmm.” BCCA August 30, 2023

35 Affirmed by the Chief Justice of the Federal Court in the decision being appealed from *Mackinnon v AG(Canada)* 2025 FC 422, [81] This demarcation of powers is also known as the separation of powers between the three branches of government, namely, the executive, legislative, and judicial branches. In *Ontario v Criminal Lawyers’ Association of Ontario*, 2013 SCC 43 [*Criminal Lawyers*], the SCC described the functions of the three branches of government as follows:

“[28] ... The development of separate executive, legislative and judicial functions has allowed for the evolution of certain core competencies in the various institutions vested with these functions. The legislative branch makes policy choices, adopts laws and holds the purse strings of government, as only it can authorize the spending of public funds. The executive implements and administers those policy choices and laws with the assistance of a professional public service. The judiciary maintains the rule of law, by interpreting and applying these laws through the independent and impartial adjudication of references and disputes, and protects the fundamental liberties and freedoms guaranteed under the *Charter*.

[29] All three branches have distinct institutional capacities and play critical and complementary roles in our constitutional democracy. However, each branch will be unable to fulfill its role if it is unduly interfered with by the others...” and further in

[82] In *Canada (AG) v Power*, 2024 SCC 26 [*Power*], the SCC elaborated as follows:

[50] The separation of powers is part of the foundational architecture of our constitutional order. It is a constitutional principle which recognizes that the three branches of government have different functions, institutional capacities and expertise; and that each must refrain from undue interference with the others ... The separation of powers allows each branch to fulfill its distinct but complementary institutional role without undue interference and to create a system of checks and balances within our constitutional democracy.

36 “Our democratic government consists of several branches: the Crown, as represented by the GG and the Provincial counterparts of that office; the legislative body; the executive; and the courts. It is fundamental to the working of government as a whole that all these parts play their proper role. It is equally fundamental that no one of them overstep its

**ii) The intervention will not cause delay or imbalance on one side**

58. Granting leave to the proposed intervener will not cause delay or imbalance but will merely place all of the relevant facts that may have affected the decision of the Governor General and the Prime Minister. Any minor delay in examining the record of the proposed intervener is easily balanced by the interests of the pursuit of justice for Canadians including full disclosure of all evidence.
59. The imbalance is currently in the favor of the Minister of Justice as they refuse to respond to the enforcement procedure of the Charter and still hide the legal opinion provided to Cabinet for enforcing the Emergencies Act. The evidence of the proposed intervener will merely balance the scales of justice by providing the evidence behind those decisions.
60. The proposed intervener is dedicated and committed to ensure that their submissions are constructive and not duplicative and to comply with all scheduling requirements. There have been no failings in diligence on my part.
61. In the dismissal of my application as Intervener in the Federal Court of Appeal on the Emergencies Act the Federal Attorney General's first applied for the application of Rule 55. *"In special circumstances, in a proceeding, the court may vary a rule or dispense with compliance of a rule"* and then without further justification asserted that *"his evidence concerning fraud and corruption in the legal system raises new issues that are inflammatory"*. The issues before the Court were similar, what was the legal justification for the decision of the Executive? Clearly the Minister of Justice and the Prime Minister knew that the evidence of fraud and corruption<sup>37</sup> in the legal system were matters of National Security and were part of their reasons, which is why they refuse to release their legal reasons. It would be a miscarriage of

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bounds, the each show proper deference for the legitimate sphere of activity of the other." McLachlin in *New Brunswick Broadcasting Co v Nova Scotia (Speaker of the House of Assembly)*, [1993] 1 S.C.R. 319

justice to provide the same possibility for illegal and unconstitutional conduct to escape accountability.<sup>38</sup> Canada deserves better.<sup>39</sup>

## **B. The Intervener should be granted leave to intervene**

### **The Interveners' intended submissions**

A. Was the decision of the Prime Minister to prorogue Parliament legal?

B. Was the decision of the Governor General to accept the request by the Prime Minister to prorogue Parliament legal?

62. The Prime Minister knew that his Minister of Justice was refusing to respond to the Enforcement Procedure of the Charter to avoid doing his duty, to protect Canadians and that the conduct was illegal.<sup>40</sup>
63. The Prime Minister knew that he was failing to protect the Public Interest.<sup>41</sup>
64. The Prime Minister knew that the administration of government was not in compliance with the law.<sup>42</sup>
65. The Prime Minister knew or ought to have known that the Court system had been presented with submissions of a failure in the rule of law throughout the legal system and a request for Ministerial accountability through a Writ of Mandamus.<sup>43</sup>

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37 Peter Hogg, author of the gold standard book on Constitutional Law writes “*unreviewable discretion in a democracy is a contradiction in terms*” and “*corruption and fraud are always the exception*”

38 *From Principles Guiding the Attorney General Of Canada: 'Ambassador of the Charter'’*  
“*This first principle guides decisions on litigation positions. Where the Attorney General concludes that there is no viable argument in favour of the challenged federal legislation or government action, a Charter violation should be conceded.*”  
They have theoretically already done so by their refusal to respond to the enforcement procedure of the Charter and the refusal to respond to the Constitutional Question on the issue. Refusing to debate is an admission.

39 “Upholding the rule of law cannot be the responsibility of only one person. It is the responsibility of the Prime Minister, Cabinet, all parliamentarians, appointed officials, the Clerk of the Privy Council, the public service, and the judiciary. No matter what structure is in place, a democracy can only thrive if there is a commitment on the part of all who govern it to the rule of law.” Anne McLellan on the Dual Role of the Minister of Justice and Attorney General.

40 Exhibit “B”, Evidence to Parliament, Letters to PMO page 37

41 Exhibit “B”, Evidence to Parliament, Letters to PMO page 38

42 Exhibit “B”, Evidence to Parliament, Letters to PMO page 39

43 Exhibit “B”, Evidence to Parliament, Letters to PMO, page 40

66. The Prime Minister knew that his Minister of Justice was refusing to provide the legal reasons for enforcing the Emergencies Act which the Federal Court had determined was enforced unreasonably, illegally and unconstitutionally.<sup>44</sup>
67. The Prime Minister requested that the Governor General prorogue Parliament in order to prevent my serving the Members of Parliament with the Enforcement Procedure of the Charter requesting a debate on the accountability of the Federal Judiciary to the constitutional right of fair and impartial trials.<sup>45</sup>

### **A. Standard of Review**

68. The standard of review for intervener applications is discretionary based on the factors as outlined and answered. The decision must be determined judicially.<sup>46</sup>

### **B. Was the request of the Prime Minister to ask the Governor General to prorogue Parliament legal?**

69. Proroguing Parliament was an obstruction of justice to prevent the Prime Minister's conduct<sup>47</sup> protecting the discretion of federal judges from being legitimately debated in the only court of competent jurisdiction to do so, Parliament. Is it “good behavior” for a judge to protect a lawyer

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44 Exhibit “B”, Evidence to Parliament, Letters to PMO page 46, Larry Brocks submission to Parliament on Dec 12, 2024 alleging contempt of Parliament on the Minister of Justice.

45 Furthermore “the rule of law is the ultimate justification of the privilege” ( *Three Rivers District Council v Governor and Company of the Bank of England*, 2004 U.K.H.L. 48 (Eng. H.L.) at para 34) and “individuals...ability to successfully assert their legal rights, or discharge their legal duties, may be prejudiced. And the integrity of the administration of justice undermined *R v McLure* 2001 SCC 14 [2001] 1 S.C.R. 445 at para 2.

46 *R v Holsworth* 2022 BCCA 328 “[26] There can be no doubt that any discretion a judge has *must* be exercised judicially — that is, not arbitrarily, but in accordance with governing legal principles. Thus in *Sharpe v. Wakefield* [1891] A.C. 173, Lord Bramwell stated: “An extensive power is confided to the justices in their capacity as justices to be exercised judicially; and “discretion” means when it is said that something is to be done within the discretion of the authorities that that something is to be done according to the rules of reason and justice, not according to the private opinion... ; according to law and not humor. It is to be, not arbitrary, vague, and fanciful, but legal and regular. And must be exercised within the limit to which an honest man competent to the discharge of his office ought to confine himself... . [At 179.]”

47 Conflict of Interest Act s 4

committing fraud on a court order and call upon the Plaintiff and prefer her recollection to the evidence of the transcript? And is it good behavior for a judge at the judicial council to claim that it is within a judge's discretion to do so and for a judge to protect a lawyer refusing to comply with a court order? It is plain and obvious that it is not “good behavior”. It fails the test for judicial impartiality and fairness to the public whom the legal system purports to serve.<sup>48</sup>

70. The duty of the Prime Minister is the supervision of all of Cabinet and the Ministries in the Westminster tradition of responsible government.<sup>49</sup> On the 15 April 2025 Mark Carney, current Prime Minister stated to the media, “We have a Charter of Rights and fundamental Freedoms in this country, and it's the responsibility...of the prime minister...to defend...those fundamental rights”<sup>50</sup>

71. The use of prorogation to avoid debate on the conduct of the Executive and the Judiciary is an obstruction of justice and a breach of trust.<sup>51</sup> If this tool is permitted judicial accountability could be perpetually avoided by proroguing Parliament to avoid legitimate debate.<sup>52</sup>

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48 *Moreau-Bérubé* at para. 51: ... Gonthier J. noted in *Therrien, supra*, at para. 147 [...], that “before making a recommendation that a judge be removed, the question to be asked is whether the conduct for which he or she is blamed is so manifestly and totally contrary to the impartiality, integrity and independence of the judiciary that the confidence of individuals appearing before the judge, or of the public in its justice system, would be undermined, rendering the judge incapable of performing the duties of his office”. In making such a determination, issues surrounding bias, apprehension of bias, and public perceptions of bias all require close consideration, all with simultaneous attention to the principle of judicial independence. This, according to Gonthier J., creates “a very special role, perhaps a unique one, in terms of both the disciplinary process and the principles of judicial independence that our Constitution protects” (para. 148).

49 The paramount concern, consistently mentioned in the case law, is that exercises of public powers cannot be immune from review: *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45, [2012] 2 S.C.R. 524 at paragraphs 31-34;

50 <https://cpac.ca/leaders-tour/episode/liberals-pledge-to-cover-costs-of-mid-career-training--april-15-2025?id=1f1cb938-2a80-46b8-819e-92916162e9fd>

51 ““Every official, from the Prime Minister down to a constable or collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen...officials have been brought before the courts, and made, in their personal capacity, liable for punishment, for acts done in their official capacity but in excess of their lawful authority.” Lord Dicey

52 In conclusion My evidence provides the exceptional circumstances.

*Mackinnon v AG(Canada)* 2025 FC 422 [241] I pause to observe that the Court must always remain mindful of the SCC’s teaching that the courts should refrain from unduly interfering with the other branches of government. I consider it to be implicit in this teaching that the Court should avoid drawing any inference regarding a Prime Minister’s unstated intentions in relation to prorogation, in the absence of exceptional circumstances.”

And this is “another day”

“[242] Given all of the foregoing, the issue of whether it would be *beyond the Prime Minister’s authority* to exercise the prorogation power for the purpose of avoiding a certain confidence vote is best left for another day.”

72. The Prime Minister providing advice to the Governor General is performing a constitutional duty which must be free of illegal conduct or the hiding of illegal conduct.<sup>53</sup>
73. Parliament is provided with the Constitutional duty to check the powers of the Judiciary for “good behavior”. According to constitutional conventions it is the Minister of Justice who would present that matter to Parliament as part of his duty to protect the public and ensure that the administration is in compliance with the law. But the Minister of Justice has refused to respond to all reasonable efforts at communication<sup>54</sup> and the Prime Minister has been informed of those failures every step of the way including the importance of providing the legal opinion for the enforcement of the Emergencies Act which was done on the very day that a decision on a writ of mandamus on the Minister of Justice was due when the judge just simply did not show up. It would be a reasonable matter for any member of Parliament to request debate on the conduct of the judiciary and the failure of the Prime Minister to do his duty to protect the people's right to a fair and impartial trial. It is the rule of law that makes a political problem a legal one, law will be engaged at the point when it is clear that the decision is not just undemocratic but also arbitrary— when it offends not just democracy but also the rule of law.<sup>55</sup>
74. The Attorney General's should reflect on their code of conduct and remember that the judging of judicial conduct is from the perspective of the public, not the judges. The lawyers legal ethics state, *“Judges, not being free to defend themselves, are entitled to receive the support of the*

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53 Mackinnon v AG(Canada) 2025 FC 422 provided the test to examine the legality of prorogation,

“[253] For convenience, I will reproduce that test below:

a) Does prorogation frustrate or prevent Parliament’s ability to perform its legislative functions and its supervision of the Executive? [and Judiciary]

b) If so, does the Prime Minister’s explanation for advising that Parliament should be prorogued provide a “reasonable justification”?

c) In any event, are “the consequences [of prorogation] ...sufficiently serious to call for the court’s intervention”?

54 See Exhibit “B” Enforcement Procedure of the Charter, Constitutional Question, Letters to the MOJ, Letters to the PMO, and request for a Writ of Mandamus

55 “If people cannot challenge government actions in court, individuals cannot hold the state to account – the government will be, or be seen to be, above the law. If people cannot bring legitimate issues to court, the creation and maintenance of positive laws will be hampered, as laws will not be given effect.” Trial Lawyers Association of B.C. v. B.C. (AG), 2014 SCC 59 para [40]

*legal profession against **unjust** criticism and complaint. Whenever there is proper ground for serious complaint against a judicial officer, it is proper for a lawyer to submit the grievance to the appropriate authorities.”* It is not unjust criticism of a judge to complain that a judge protected a lawyer committing fraud on a court order by rejecting the transcript and preferring the recollection of the Plaintiff instead.<sup>56</sup> It is a massive conflict of interest for lawyers to claim otherwise just because the bias is so clearly in their favor.<sup>57</sup>

### **C. Was the decision of the Governor General to accept the request of the Prime Minister legal?**

75. The Governor General is also under a duty to take all relevant considerations into context in the accepting of the advice of the Prime Minister.<sup>58</sup>
76. Given the communications with the Governor General before the Court there is also legitimate concern that the Governor General<sup>59</sup> knew that the Prime Minister's Administration was not in compliance with the law for at least two reasons.<sup>60</sup> Firstly my letter of October 26, 2021 informing her of the failure of the MOJ to respond to the enforcement procedure of the Charter

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<sup>56</sup>Moreau-Bérubé at para. 58. An effective mechanism for holding judges to account for misconduct is thus essential to maintaining public confidence in the judiciary and hence, ultimately, judicial independence.

<sup>57</sup> “leads to the community's frustration with the judicial system and eventually to a feeling of contempt for court proceedings”

R v Askov [1990]

<sup>58</sup> Exhibit “B”, Letters to the Governor General page 34, Decision of the Federal Court with Justice Mosely on the Emergencies Act.

<sup>59</sup> See Letters Patent 1947 Appendix X

<sup>60</sup> “When a government is in office without the support of the House of Commons, there are the makings of a constitutional crisis: not only can the government not secure the passage of any legislation, it cannot even secure parliamentary approval of supply to meet government expenditures. The crisis can be resolved or averted by a new election or by the resignation or dismissal of the Ministry. **But the ministry in office which lacks the support of the House of Commons and which stands to lose most by the resolution of the crisis, is not the fittest group to determine the mode of resolution of the crisis.** It is true of course that the Governor General has even less of a political base than the ministry in office, but it is for this very reason that the Governor General may reasonably be trusted to set aside partisan considerations and act impartially in the interests of the country as a whole. In this situation the role of Governor General is somewhat akin to that of a judge – another non-elected official to whom we readily entrust large powers in the expectation that they will be exercised impartially.” Peter Hogg, Constitutional Law 4<sup>th</sup> Edn page 235



and secondly that the Federal Court had determined that the enforcement of the Emergencies Act was illegal and unconstitutional. Furthermore Parliament was seeking a proceeding for contempt of Court on the Minister of Justice for his failure to provide the legal reasons, which clearly were either legal or unlawful and if they were legal then why not produce them for the benefit of the ultimate client, the public.

#### **PART IV – ORDER SOUGHT**

77. The proposed Intervener seeks an order granting Trevor Holsworth leave to intervene in the appeal pursuant to Rule 109 of the Federal Court Rules.
78. To submit further written and oral submissions if permitted or required
79. To receive all documents required to be served or filed by a Party to this proceeding also be served on the proposed Intervener.
80. To be exempt from any costs associated with this motion or the appeal.
81. Such further terms proposed that the Court deems just.

All of which is respectfully submitted,

Dated in New Denver this    th of April, 2025.

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**TREVOR HOLSWORTH**

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Proposed Intervener

## **PART V – LIST OF AUTHORITIES**

## **LEGISLATION and REGULATIONS**

Appendix “1” Federal Court Rules

Appendix “2” Charter of Rights

Appendix “3” Department of Justice Act

Appendix “4” Constitution BNA 1867

Appendix “5” Conflict of Interests Act

Appendix “6” Judges Act 1985

Appendix “7” Criminal Code of Canada

Appendix “8” United Nations Declaration of Human Rights Preamble

Appendix “9” Letters Patent 1947

## **Appendix “1”**

### **Federal Court Rules SQR/98-106**

#### **General principle**

**3** These Rules shall be interpreted and applied so as to secure the just, most expeditious and least expensive determination of every proceeding on its merits.

...

#### **Intervention**

##### **Leave to intervene**

**109 (1)** The Court may, on motion, grant leave to any person to intervene in a proceeding.

##### **Contents of notice of motion**

**(2)** Notice of a motion under subsection (1) shall

**(a)** set out the full name and address of the proposed intervenor and of any solicitor acting for the proposed intervenor; and

**(b)** describe how the proposed intervenor wishes to participate in the proceeding and how that participation will assist the determination of a factual or legal issue related to the proceeding.

#### **Directions**

**(3)** In granting a motion under subsection (1), the Court shall give directions regarding

**(a)** the service of documents; and

**(b)** the role of the intervenor, including costs, rights of appeal and any other matters relating to the procedure to be followed by the intervenor.

...

#### **Motions in writing**

**369 (1)** A party may, in a notice of motion, request that the motion be decided on the basis of written representations.

#### **Request for oral hearing**

**(2)** A respondent to a motion brought in accordance with subsection (1) shall serve and file a respondent's record within 10 days after being served under rule 364 and, if the respondent objects to disposition of the motion in writing, indicate in its written representations or memorandum of fact and law the reasons why the motion should not be disposed of in writing.

#### **Reply**

**(3)** A moving party may serve and file written representations in reply within four days after being served with a respondent's record under subsection (2).

#### **Disposition of motion**

**(4)** On the filing of a reply under subsection (3) or on the expiration of the period allowed for a reply, the Court may dispose of a motion in writing or fix a time and place for an oral hearing of the motion.

## **Appendix “2”**

### **Constitution Act 1982**

#### **PART I**

#### **Canadian Charter of Rights and Freedoms**

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

#### **Guarantee of Rights and Freedoms**

##### **Rights and freedoms in Canada**

**1.** The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

...

##### **Legal Rights**

##### **Life, liberty and security of person**

**7.** Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

...

##### **Equality Rights**

##### **Equality before and under law and equal protection and benefit of law**

**15 (1)** Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

...

##### **Enforcement**

##### **Enforcement of guaranteed rights and freedoms**

**24 (1)** Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

...

##### **Application of Charter**

**32 (1)** This Charter applies

**(a)** to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and

**(b)** to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

...

**52 (1)** The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

## **Appendix “3”**

### **Department of Justice Act R.S.C., 1985**

#### **Minister and Attorney**

(2) The Minister is ex officio Her Majesty’s Attorney General of Canada, holds office during pleasure and has the management and direction of the Department.

...

#### **Powers, duties and functions of Minister**

4 The Minister is the official legal adviser of the Governor General and the legal member of the Queen’s Privy Council for Canada and shall

(a) see that the administration of public affairs is in accordance with law;

(b) have the superintendence of all matters connected with the administration of justice in Canada, not within the jurisdiction of the governments of the provinces;

(c) advise on the legislative Acts and proceedings of each of the legislatures of the provinces, and generally advise the Crown on all matters of law referred to the Minister by the Crown; and

(d) carry out such other duties as are assigned by the Governor in Council to the Minister.

...

#### **Powers, duties and functions of Attorney General**

#### **5 The Attorney General of Canada**

(a) is entrusted with the powers and charged with the duties that belong to the office of the Attorney General of England by law or usage, in so far as those powers and duties are applicable to Canada, and also with the powers and duties that, by the laws of the several provinces, belonged to the office of attorney general of each province up to the time when the Constitution Act, 1867, came into effect, in so far as those laws under the provisions of the said Act are to be administered and carried into effect by the Government of Canada;

(b) shall advise the heads of the several departments of the Government on all matters of law connected with such departments;

(c) is charged with the settlement and approval of all instruments issued under the Great Seal;

(d) shall have the regulation and conduct of all litigation for or against the Crown or any department, in respect of any subject within the authority or jurisdiction of Canada; and

(e) shall carry out such other duties as are assigned by the Governor in Council to the Attorney General of Canada.

## **Appendix “4”**

### **Constitution Act 1867**

#### **III. Executive Power**

##### **Declaration of Executive Power in the Queen**

**9** The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.

##### **Application of Provisions referring to Governor General**

**10** The Provisions of this Act referring to the Governor General extend and apply to the Governor General for the Time being of Canada, or other the Chief Executive Officer or Administrator for the Time being carrying on the Government of Canada on behalf and in the Name of the Queen, by whatever Title he is designated.

##### **Constitution of Privy Council for Canada**

**11** There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen’s Privy Council for Canada; and the Persons who are to be Members of that Council shall be from Time to Time chosen and summoned by the Governor General and sworn in as Privy Councillors, and Members thereof may be from Time to Time removed by the Governor General.

##### **All Powers under Acts to be exercised by Governor General with Advice of Privy Council, or alone**

**12** All Powers, Authorities, and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, are at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the Advice, or with the Advice and Consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any Number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exercisable by the Governor General, with the Advice or with the Advice and Consent of or in conjunction with the Queen’s Privy Council for Canada, or any Members thereof, or by the Governor General individually, as the Case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

##### **Application of Provisions referring to Governor General in Council**

**13** The Provisions of this Act referring to the Governor General in Council shall be construed as referring to the Governor General acting by and with the Advice of the Queen’s Privy Council for Canada.

##### **Power to Her Majesty to authorize Governor General to appoint Deputies**

**14** It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor General from Time to Time to appoint any Person or any Persons jointly or severally to be his Deputy or Deputies within any Part or Parts of Canada, and in that Capacity to exercise during the Pleasure of the Governor



General such of the Powers, Authorities, and Functions of the Governor General as the Governor General deems it necessary or expedient to assign to him or them, subject to any Limitations or Directions expressed or given by the Queen; but the Appointment of such a Deputy or Deputies shall not affect the Exercise by the Governor General himself of any Power, Authority, or Function.

...

**38.** The Governor-General shall from Time to Time, in the Queen's name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.

**39.** It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any tax or Impost, to any Purpose that has not been first recommended to that House by Message of the Governor-General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

**40.** Where a Bill passed by the Houses of the Parliament is presented to the Governor-General for the Queen's Assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to her Majesty's Instructions, either that he assents thereto in the Queen's Name, or that he withholds the Queen's Assent, or that he reserves the Bill for Signification of the Queen's Pleasure.

## **VI. Distribution of Legislative Powers**

### **Powers of the Parliament**

#### **Legislative Authority of Parliament of Canada**

**91** It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada...

...

## **VII. Judicature**

### **Tenure of office of Judges**

**99 (1)** Subject to subsection (2) of this section, the judges of the superior courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

## **Appendix “5”**

### **Conflict of Interest Act (S.C. 2006, c. 9, s. 2)**

<https://laws-lois.justice.gc.ca/eng/acts/c-36.65/index.html>

#### **Part 1**

#### **Conflict of Interest Rules**

##### **Conflict of interest**

4. For the purposes of this Act, a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person’s private interests.

##### **Preferential treatment**

7. No public office holder shall, in the exercise of an official power, duty or function, give preferential treatment to any person or organization based on the identity of the person or organization that represents the first-mentioned person or organization.

##### **Anti-Avoidance**

18 No public office holder shall take any action that has as its purpose the circumvention of the public office holder’s obligations under this Act.

##### **Determination of appropriate measures**

29 Before they are finalized, the Commissioner shall determine the appropriate measures by which a public office holder shall comply with this Act and, in doing so, shall try to achieve agreement with the public office holder.

##### **Compliance order**

30 In addition to the specific compliance measures provided for in this Part, the Commissioner may order a public office holder, in respect of any matter, to take any compliance measure, including divestment or recusal, that the Commissioner determines is necessary to comply with this Act.

**Appendix “6”**  
**Judges Act R.S.C., 1985, c. J-1**  
(<https://laws-lois.justice.gc.ca/eng/acts/j-1/20210629/P1TT3xt3.html>)

**Constitution of the Council**

**Council established**

**59 (1)** There is hereby established a Council, to be known as the Canadian Judicial Council, consisting of

- (a) the Chief Justice of Canada, who shall be the chairman of the Council;
- (b) the chief justice and any senior associate chief justice and associate chief justice of each superior court or branch or division thereof; and
- (c) [Repealed, 2017, c. 33, s. 253]
- (d) the Chief Justice of the Court Martial Appeal Court of Canada.
- (e) [Repealed, 2002, c. 8, s. 104]

**Objects of Council**

**60 (1)** The objects of the Council are to promote efficiency and uniformity, and to improve the quality of judicial service, in superior courts.

**Inquiries concerning Judges**

**Inquiries**

**63 (1)** The Council shall, at the request of the Minister or the attorney general of a province, commence an inquiry as to whether a judge of a superior court should be removed from office for any of the reasons set out in paragraphs 65(2)(a) to (d).

**65 Recommendation to Minister**

**(2)** Where, in the opinion of the Council, the judge in respect of whom an inquiry or investigation has been made has become incapacitated or disabled from the due execution of the office of judge by reason of

- (a) age or infirmity,
  - (b) having been guilty of misconduct,
  - (c) having failed in the due execution of that office, or
  - (d) having been placed, by his or her conduct or otherwise, in a position incompatible with the due execution of that office,
- the Council, in its report to the Minister under subsection (1), may recommend that the judge be removed from office.

**Removal by Parliament or Governor in Council**

**Powers, rights or duties not affected**

**71** Nothing in, or done or omitted to be done under the authority of, any of sections 63 to 70 affects any power, right or duty of the House of Commons, the Senate or the Governor in Council in relation to the removal from office of a judge, a prothonotary of the Federal Court or any other person in relation to whom an inquiry may be conducted under any of those sections.

## Appendix “7”

### Criminal Code

#### Obstructing justice

139 (1) Every one who wilfully attempts in any manner to obstruct, pervert or defeat the course of justice in a judicial proceeding,

- (a) by indemnifying or agreeing to indemnify a surety, in any way and either in whole or in part, or
- (b) where he is a surety, by accepting or agreeing to accept a fee or any form of indemnity whether in whole or in part from or in respect of a person who is released or is to be released from custody, is guilty of
- (c) an indictable offence and is liable to imprisonment for a term not exceeding two years, or
- (d) an offence punishable on summary conviction.

#### Idem

(2) Every person who intentionally attempts in any manner other than a manner described in subsection (1) [*obstructing justice – re surety*] to obstruct, pervert or defeat the course of justice is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than 10 years; or
- (b) an offence punishable on summary conviction.

#### Idem

(3) Without restricting the generality of subsection (2) [*obstructing justice – other conduct*], every one shall be deemed wilfully to attempt to obstruct, pervert or defeat the course of justice who in a judicial proceeding, existing or proposed,

- (a) dissuades or attempts to dissuade a person by threats, bribes or other corrupt means from giving evidence;
- (b) influences or attempts to influence by threats, bribes or other corrupt means a person in his conduct as a juror; or
- (c) accepts or obtains, agrees to accept or attempts to obtain a bribe or other corrupt consideration to abstain from giving evidence, or to do or to refrain from doing anything as a juror.

#### Breach of trust by public officer

122 Every official who, in connection with the duties of their office, commits fraud or a breach of trust, whether or not the fraud or breach of trust would be an offence if it were committed in relation to a private person, is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than five years; or
- (b) an offence punishable on summary conviction.

## Appendix “8”

### United Nations Universal Declaration of Human Rights (<https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>)

#### **Preamble**

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,  
Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

...

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

#### **Article 3**

Everyone has the right to life, liberty and security of person.

#### **Article 6**

Everyone has the right to recognition everywhere as a person before the law.

#### **Article 7**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

#### **Article 8**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

#### **Article 9**

No one shall be subjected to arbitrary arrest, detention or exile.

#### **Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Appendix “9”  
**Letters Patent 1947**

I. We do hereby constitute, order, and declare that there shall be a Governor General and Commander-in-Chief in and over Canada, and appointments to the Office of Governor General and Commander-in-Chief in and over Canada shall be made by Commission under Our Great Seal of Canada.

II. And We do hereby authorize and empower Our Governor General, with the advice of Our Privy Council for Canada or of any members thereof or individually, as the case requires, to exercise all powers and authorities lawfully belonging to Us in respect of Canada, and for greater certainty but not so as to restrict the generality of the foregoing to do and execute, in the manner aforesaid, all things that may belong to his office and to the trust We have reposed in him according to the several powers and authorities granted or appointed him by virtue of *the Constitution Acts, 1867 to 1940* and the powers and authorities hereinafter conferred in these Letters Patent and in such Commission as may be issued to him under Our Great Seal of Canada and under such laws as are or may hereinafter be in force in Canada.

IV. And We do further authorize and empower Our Governor General to constitute and appoint, in Our name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary Officers (including diplomatic and consular officers) and Ministers of Canada, as may be lawfully constituted or appointed by Us.

V. **And We do further authorize and empower Our Governor General, so far as We lawfully may, upon sufficient cause to him appearing, to remove from his office, or to suspend from the exercise of the same, any person exercising any office within Canada, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us in Our name or under Our authority.**

VI. And We do further authorize and empower Our Governor General to exercise all powers lawfully belonging to Us in respect of summoning, proroguing or dissolving the Parliament of Canada.

X. And We hereby declare Our Pleasure to be that Our Governor General for the time being shall, with all due solemnity, cause Our Commission under Our Great Seal of Canada, appointing Our Governor General for the time being, to be read and published in the presence of Our Chief Justice, or other Judge of the Supreme Court of Canada, and of members of Our Privy Council for Canada, and that Our Governor General shall take the Oath of Allegiance in the form following:—“I, ..... do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and successors, according to law. So Help me God”; and likewise he shall take the usual Oath for the due execution of the Office of Our Governor General and Commander-in-Chief in and over Canada, **and for the due and impartial administration of justice**; which Oaths Our Chief Justice, or, in his absence, or in the event of his being otherwise incapacitated, any Judge of the Supreme Court of Canada shall, and he is hereby required to, tender and administer unto him.

## CASE LAW

Roncarelli v Dupleiss [1959] SCR 121

Reference re Secession of Quebec [1998] 2 S.C.R. 217, per curiam, para 72 ( incorporating passages from Reference re Manitoba Language Rights and Reference Re Remuneration of Judges of the Provincial Court)

“elements of the rule of law are threefold. First, the rule of law provides that the law is supreme over the acts of both government and private persons. There is, in short, one rule law for all. Second, the rule of law requires the creation and maintenance of an actual order of positive laws which preserves and embodies the more general principle of normative order. Third, the exercise of all public power must find its ultimate source in a legal rule; In other words, 'the relationship between the state and the individual must be regulated by law. Together, these three considerations make up a principle of profound constitutional and political significance.”

ibid [70], “At its most basic level, the rule of law vouchsafes to the citizens and residents of the country a stable, predictable and ordered society in which to conduct their affairs. It provides a shield for individuals from arbitrary state action.”

ibid [72], “Simply put, the constitutionalism principle requires that all government action comply with the constitution...The Constitution binds all governments...including the executive branch...They may not transgress its provisions: indeed, their sole claim to exercise lawful authority rests in the powers allocated to them under the Constitution, and can come from no other source”

Trial Lawyers Association of B.C. v. B.C. (AG), 2014 SCC 59

New Brunswick Broadcasting Co v Nova Scotia (Speaker of the House of Assembly), [1993] 1 S.C.R. 319

Cosgrove v Canadian Judicial Council, 2007 FCA 103

Moreau-Bérubé v. New Brunswick (Judicial Council), [2002] 1 S.C.R. 249, 2002 SCC 11

The Provincial Judges Reference

R v Askov, [1990] 2 S.C.R. 1199

Slansky v Canadian Judicial Council

R v. Conway

Three Rivers District Council v Governor and Company of the Bank of England, 2004 U.K.H.L. 48 (Eng. H.L.)

Reference Re Manitoba Language Rights

“Manitoba has an invalid and therefore ineffectual legal system...”

The solution to a breach in the Charter is a restoration of the breach.

Reference re Secession of Québec, [1998] 2 SCR 217 at para.70

The Supreme Court of Canada has explained the rule of law as promising to citizens and residents “a stable, predictable and ordered society” where individuals are protected from arbitrary state action.

R. v. Power, [1994] 1 SCR 601

Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society, [2012] 2 S.C.R. 524

R. v. Solosky, [1980] 1 S.C.R. 821

Harper v. Canada (Attorney General), 2004 SCC 33

Harper v. Canada (Attorney General), 2000 SCC 57

Hunter v. Southam, [1984] 2 SCR 145

Dunsmuir v. New Brunswick, 2008 SCC 9, [2008] 1 S.C.R. 190

Vanguard Coatings v MNR [1986] 2 C.T.C. 431

Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65.



## SECONDARY SOURCES

- i. [Minister of Justice and Attorney General of Canada Mandate letter to David Lametti December 16, 2021 by Prime Minister Justin Trudeau](#)

“this is the moment to rebuild a more resilient, inclusive and stronger country for everyone.”

“We know that reconciliation cannot come without truth and our Government will continue to invest in that truth. As Ministers, each of us has a duty to further this work, both collectively and as individuals.”

“We must continue to address the profound systemic inequities and disparities that remain present in the core fabric of our society, including our core institutions.”

“I expect you to include and collaborate with various communities, and actively seek out and incorporate in your work, the diverse views of Canadians”

“As Minister, you are accountable to Parliament both individually, for your style of leadership and the performance of your responsibilities, and collectively, in support of our Ministry and decisions taken by Cabinet. *Open and Accountable Government* sets out these core principles and the standards of conduct expected of you and your office.”

“As Minister of Justice and Attorney General of Canada, your top priority is to ensure that all Canadians have access to fair and just treatment before the law”

“Continue work to advance the establishment of an independent Criminal Case Review Commission to improve access to justice for potentially wrongfully convicted people to have their applications reviewed.”

“Secure support for the swift passage of reforms to the judicial conduct process in the Judges Act to ensure the process is fair, effective and efficient so as to foster greater confidence in the judicial system”

“Canadians expect us to work hard, speak truthfully and be committed to advancing their interests and aspirations. When we make mistakes – as we all will – Canadians expect us to acknowledge them, and most importantly, to learn from them”

ii. Anne McLellan on dual role of AG/MOJ

(<https://pm.gc.ca/en/news/backgrounders/2019/08/14/review-roles-minister-justice-and-attorney-general-canada>)

“there is no system for managing prosecutorial decisions that absolutely protects against the possibility of partisan interference, while providing for public accountability...The personal integrity of the Attorney General is also essential; indeed, it is probably the most important element in a system which protects the rule of law.”

“Cabinet colleagues are more likely to pay attention to the Attorney General’s legal advice because they know that the Attorney General, as a member of Cabinet, understands the political context in which they are operating.”

“6. I recommend that the oath of office of the Minister of Justice and Attorney General of Canada be changed to refer specifically to the Attorney General’s unique role in upholding the rule of law”

“The Attorney General of Canada has a unique and profoundly important role. They stand at the heart of accountable government as the person responsible for defending the rule of law by ensuring that all government action is in accordance with the Constitution, including the *Charter of Rights and Freedoms*.”

Section s.4(1) of the *Department of Justice Act*, R.S.C., 1985, c.J-2 provides that the Minister of Justice is responsible for ensuring that the administration of justice is carried out in accordance with the law. The Attorney General has been described as “the defender of the Rule of Law”:

*Report of the Royal Commission Inquiry into Civil Rights*. The Honourable Chief Justice J.C.

McRuer, Commissioner (Toronto: Queen's Printer, Ontario, 1968), vol 2, at p. 945

"The Supreme Court of Canada has explained the rule of law as promising to citizens and residents "a stable, predictable and ordered society" where individuals are protected from arbitrary state action.

*Reference re Secession of Québec*, [1998] 2 SCR 217 at para.70

This means that the state can only use its power against individuals according to law. The rule of law also requires the state to be accountable to the public for how it uses those powers.

"I heard from a number of people that this is the real source of potential interference: the Attorney General depends on the Prime Minister for their position as a minister and as a candidate for re-election." because "The Prime Minister signs the nomination papers for candidates for their party."

"The final decision on the soundness of the representations and their implications for the public interest will be the Attorney General's to make, alone. The Attorney General should scrutinize the information placed before them and test the soundness of the factual assertions and their relevance to the public interest."

"Upholding the rule of law cannot be the responsibility of only one person. It is the responsibility of the Prime Minister, Cabinet, all parliamentarians, appointed officials, the Clerk of the Privy Council, the public service, and the judiciary. No matter what structure is in place, a democracy can only thrive if there is a commitment on the part of all who govern it to the rule of law."

- iii. Possibilities for further reform of the Federal Judicial Discipline Process Department of Justice Canada June 2016 (<http://www.justice.gc.ca/eng/cons/fjdp-pdmf/3.html#sec311>)

iv. Principles Guiding the Attorney General of Canada, Department of Justice

(<https://www.justice.gc.ca/eng/csj-sjc/principles2-eng.pdf>)

*“I view the unique role of the Attorney General as a fundamental pillar of the rule of law in Canada. In its simplest articulation, the rule of law ensures that no one, including the elected Government of the day, is above the law. As a guardian of the rule of law, the Attorney General is tasked with upholding the public interest.”*

*“The Charter is part of the supreme law of Canada, and any law or government decision inconsistent with it is of no force or effect. Both in the provision of legal advice and in litigation, the Attorney General demonstrates the greatest possible commitment to respecting constitutional rights. In this respect, the Attorney General’s role can broadly be described as an ‘ambassador of the Charter’”*

*“This first principle guides decisions on litigation positions. Where the Attorney General concludes that there is no viable argument in favour of the challenged federal legislation or government action, a Charter violation should be conceded.”*

*“In Canada’s constitutional order, the adjudication of contested questions of law is the responsibility of our independent courts. Where a dispute arises as to the compliance of legislation or government action with the Charter, it falls on the courts to determine authoritatively the outcome of the dispute. In arriving at a conclusion on the merits, courts in our adversarial judicial system are assisted by full and fair argument by counsel, each putting forward the best case for and against the compliance of federal legislation with the Charter.”*

*“The adversarial nature of civil proceedings should not suggest that the Attorney General’s litigation positions are those of a given Minister. Consistent with the Attorney General’s constitutional responsibilities, litigation positions are always those of the Crown and are developed in the public interest.”*

*“Different Attorneys General will differ in their assessments of the public interest, just as changing circumstances will inform different assessments of the public interest over time, but their evaluations should always be true to what is in the public interest.”*

*“These principles, all in service of the public interest, have guided the development of the Attorney General of Canada’s litigation strategies. When taking legal positions on the compliance of federal legislation with the Charter, the Attorney General should always advance the public interest. Other Ministers of the Crown will help define the public interest and inform the merits of litigation strategies, providing direction as affected Ministers involved in litigation. At all times, the litigation strategies of an Attorney General should be principled.”*

Jody Wilson-Raybould, Minister of Justice/Attorney General 2015-2019

v. Open and Accountable Government 2015

<https://publications.gc.ca/site/eng/9.506322/publication.html>

“To be worthy of Canadians’ trust, we must always act with integrity. This is not merely a matter of adopting the right rules, or of ensuring technical compliance with those rules. As Ministers, you and your staff must uphold the highest standards of honesty and impartiality, and both the performance of your official duties and the arrangement of your private affairs should bear the closest public scrutiny. This is an obligation that is not fully discharged by simply acting within the law. The trust of Canadians will also rest on the accountability of our government. In our system, the highest manifestation of democratic accountability is the forum of Parliament. You are accountable to Parliament for the exercise of the powers, duties and functions with which you have been entrusted.”

Prime Minister Justin Trudeau

I.1. Individual Ministerial Responsibility

“Ministers are accountable to the Prime Minister: they are appointed by the Governor General on the advice of the Prime Minister and the Prime Minister may ask for their resignation at any time.”

“As head of government, the Prime Minister has a responsibility for the effective operation of the whole of government and often has to answer in the House for the operation of all departments and agencies.”

“In our system of government, Parliament is both the legislative branch and the pre-eminent institution of democratic accountability. Clear ministerial accountability to Parliament is fundamental to responsible government”

## Annex A Ethical and Political Activity Guidelines for Public Office

### Part I: Ethical Guidelines and Statutory Standards of Conduct

The following Guidelines apply to all public office holders.

**Ethical Standards:** Public office holders shall act with honesty and uphold the highest ethical standards so that public confidence and trust in the integrity, objectivity and impartiality of the government are conserved and enhanced.

**Public Scrutiny:** Public office holders have an obligation to perform their official duties and arrange their private affairs in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law.

**Decision Making:** Public office holders, in fulfilling their official duties and functions, shall make decisions in the public interest and with regard to the merits of each case.

#### C.1. Public Access to Information and Privacy

“a decision of the Federal Court of Appeal has made accessible, subject to exemptions in the Acts, background explanations, analysis of problems or policy options contained in Cabinet documents once a Cabinet decision has been made public, or, if the decision has not been made

public, four years after the decision was made.”

#### Annex F. Federal Government Institutions: The Executive

“The unwritten constitution establishes key elements of Canadian democracy regarding executive authority in government as exercised by the Prime Minister and the Cabinet, who are accountable to the House of Commons, which is made up of the elected representatives of the people of Canada.”

#### **Legal assistance and indemnification**

Ministers, ministerial exempt staff and other federal government officials are subject to the Treasury Board Policy on Legal Assistance and Indemnification. As “Crown servants” under the Policy, these officials may receive appropriate legal representation and be protected from personal liability in instances where they are subject to legal claims despite the fact that they are acting in good faith, within the scope of their duties and in the interests of the Crown.

#### vi. Responsibility in the Constitution – Privy Council Office

(<https://www.canada.ca/en/privy-council/services/publications/responsibility-constitution.html>)

“Ministers exercise power constitutionally because the law requires it and Parliament and their colleagues in the ministry hold them responsible for their actions under the law.

The *constitutional responsibility* of ministers does not limit the obligation of other office holders to obey the law; rather it assures that Parliament may focus responsibility for the conduct of government on those of its members who hold ministerial office and who in the ultimate must personally answer to Parliament and thence the electorate for their actions and the actions of their subordinates. The constitutional responsibility of ministers enables Parliament to satisfy itself that power is exercised responsibly throughout the system of government.”

“Ministerial responsibility is a fundamental principle of the constitution. It requires that a

minister be *personally* answerable to the House of Commons for the exercise of power.“

### **The Evolution of the Constitution**

“Canadians live in a political system that has evolved over centuries in response to the need to control power. Government is a means of organizing the control of power, and however complex society and its problems may be, the responsible exercise of power is in the long run fundamental to the solution of national problems and the stability and well-being of society.”

#### **Responsible Use of Power**

“Magna Carta...the principal restraint on the Crown and the principal source of revenue were the newly established mercantile and landed gentry classes, who were the commoners. The imposition on this group of taxation without consent, and the enforcement of its collection without recourse through law, precipitated the great struggle between the Crown and the Commons. That struggle witnessed the ultimate penalty for personal irresponsibility in the use of power: the execution of a king; and its outcome was to establish the foundation of the convention of ministerial responsibility before the House of Commons.

- vii. Canada, Department of Justice, *Department of Justice Canada Minister's Transition Book* (2019), Tab 2, “Roles and Responsibilities of the Minister of Justice and Attorney General of Canada”

The responsibilities of the Minister of Justice require them to “exercise their political judgment as a member of Cabinet, except when providing legal advice which must be independent and non-partisan.”

- viii. Introduction to the Study of the Law of the Constitution, 10<sup>th</sup> Edition A.V. Dicey p325-327
- ix. *Public Prosecution Service of Canada Deskbook*



- x. John LI J. Edwards, *Ministerial Responsibility for National Security as it relates to the Offices of Prime Minister, Attorney General and Solicitor General of Canada – a study prepared for the Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police* (Ottawa: Minister of Supply and Services, 1980) (the McDonald Commission) at p.119

“Partisan considerations are anything savouring of personal advancement or sympathy felt by the Attorney General towards a political colleague or which relates to the political fortunes of his party or his government in power”

“the maintenance of harmonious international relations between states, the reduction of strife between ethnic groups, the maintenance of industrial peace, and generally the interests of the public at large....”

- xi. The Honourable R. Roy McMurtry, “The Office of the Attorney General” in Derek Mendes da Costa (ed), *The Cambridge Lectures* (Toronto: Butterworths, 1981) at p.7
- Former Attorney General of Ontario Roy McMurtry said that Attorneys General, above all, are “servants of the law, responsible for protecting and enhancing the fair and impartial administration of justice, for safeguarding civil rights and maintaining the rule of law.”

- xii. John LL J. Edwards, *The Attorney-General, Politics and the Public Interest* (London: Sweet & Maxwell, 1984) at p.67, quoted in Elizabeth Sanderson, *Government Lawyering: Duties and Ethical Challenges of Government Lawyer* (Toronto: LexisNexis, 2018) at p.69
- “Based on my examination of the administration of justice in a broad sample of Commonwealth countries... I am convinced that, no matter how entrenched constitutional safeguards may be, in the final analysis it is the strength of character, personal integrity and depth of commitment to

the principles of independence and the impartial representation of the public interest, on the part of the holders of the office of Attorney General, which is of supreme importance“

- xiii. John C. Tait, Chair. *A Strong Foundation: Report of the Task Force on Public Service Values and Ethics* (Canadian Centre for Management Development, 1996), p.9  
“Accountability involves rendering an account to someone, such as Parliament or a superior, on how and how well one’s responsibilities are being met, on actions taken to correct problems and to ensure they do not reoccur. It also involves accepting personal consequences, such as discipline, for problems that could have been avoided had the individual acted appropriately.”
- xiv. [Judicial independence by Justice Binney 2016](#)
- xv. Valley Voice July 1<sup>st</sup> 2021 page 11  
([www.valleyvoice.ca/\\_PDF\\_2016/ValleyVoice210701web.pdf](http://www.valleyvoice.ca/_PDF_2016/ValleyVoice210701web.pdf))
- xvi. Kent Roach, “Not Just the Government’s Lawyer: The Attorney General as Defender of the Rule of Law” (2006) Queen’s L.J. 598
- xvii. Constitutional Law 3<sup>rd</sup> Edition by Peter Hogg
- xviii. Judges on Trial. The Independence and Accountability of the English Judiciary 2<sup>nd</sup> Edition by Shimon Shetreet & Sophie Turenne
- xix. The Judge in a Democracy 2006 by Aharon Barak
- xx. Bad Judgement – The case of Justice Leo Landreville 1996 by William Kaplan
- xxi. The Charter Revolution and the Court Party 2000 by F.L. Morton & Rainer Knopff
- xxii. A Secret Trial Brian Mulroney Stevie Cameron and the Public Trust by William Kaplan

- xxiii. Charter Politics 1992 by Rainier Knopff & F.L. Morton
- xxiv. The Charter of Rights and the Legalization of Politics in Canada 1994 by Michael Mandel
- xxv. Controlling Corruption 1988 by Robert Klitgaard